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CIS

BASKET III: IMPLEMENTATION OF THE HELSINKI ACCORDS

HEARINGS

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

NINETY-SEVENTH CONGRESS

FIRST SESSION

THE CRISIS IN POLAND AND ITS EFFECTS ON THE HELSINKI PROCESS

DECEMBER 28, 1981

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PUBLIC HEARING ON THE CRISIS IN POLAND AND ITS EFFECTS ON THE HELSINKI PROCESS

MONDAY, DECEMBER 28, 1981

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
Washington, D.C.

The Commission met, pursuant to notice, in room 2221, Dirksen Senate Office Building, 1st Street and Constitution Avenue, NE., at 11 a.m., Senator Robert Dole, co-chairman, presiding.

In attendance: Commissioners and Senators Patrick J. Leahy and Orrin G. Hatch; Representative Don Ritter; and the Honorable Steven Palmer, Deputy Assistant Secretary of State for European Affairs.

Also in attendance: R. Spencer Oliver, Staff Director and General counsel of the Commission.

OPENING STATEMENT OF CHAIRMAN DOLE

Mr. DOLE. Before we hear our first witness, I would like to make a brief statement, and also include in the records, a statement by the Chairman of the Commission, Congressman Dante Fascell.

[Congressman Fascell's written statement follows:]

STATEMENT BY REPRESENTATIVE FASCELL ON POLAND

Previous commitments in my district prevent me from attending the hearing on Poland to be held today—December 28—by the Commission on Security and Cooperation in Europe, but I again wish to express my profound concern over the imposition of military rule, in violation of the Helsinki Final Act, in Poland on December 14, aimed at the suppression of the Polish workers' movement.

Once again a Communist government has shown that fear is its only recourse when the people express their will. The martial law provisions are in flagrant violation of key human rights and basket III provisions of the Helsinki Final Act, including the suspension of basic civil rights, the ban on all gatherings and public meetings, the imposition of State censorship over all forms of communication, and limitations on freedom of movement by Polish citizens.

The government-imposed news blackout in Poland has given the government a monopoly on information, but such a transparent tactic will never succeed in covering up government-imposed suppression of civil, political economic and social rights pledged in the Helsinki accords.

I trust that today's hearing will help clarify the true state of the tragic events in Poland, and help chart the way for future actions to be taken to support the Polish people in their struggle for human rights and basic fundamental freedoms.

Mr. DOLE. For the information of those who are present, let me explain that the Commission on Security and Cooperation in Europe was formed in 1976 to monitor and encourage compliance with the Helsinki Final Act signed in 1975 by the heads of state of 33 nations of Europe, the United States, and Canada. The Final Act pledged cooperation and guarantees among the signatories for certain security measures such as the notification of troop movements, the free flow of information, trade and cultural exchanges, and certain basic human rights.

The Helsinki Commission is composed of six Senators and six Congressmen plus one Commissioner each from the Departments of State—Mr. Palmer represents the Department of State—Commerce, and Defense. In the past 5 years, the Commission has held hearings, issued reports, taken care of casework, and cooperated with the Department of State and other U.S. Government agencies in the formulation and implementation of U.S. policy regarding the CSCE process.

The imposition of military rule in Poland on the evening of December 12 and the subsequent repressive measures are clear violations of numerous provisions of the Helsinki Final Act. Most notably violated are Principle VII, respect for human rights and fundamental freedoms, and various Basket III provisions on the free movement of people and ideas. Also in question is Principle VI with respect to non-intervention in internal affairs, pending further knowledge of the Soviet role in the recent events in Poland.

I have made a statement by Congressman Fascell a part of the record, plus I would like to make another, more lengthy statement that I have prepared. I have also invited certain departments and other persons and interested groups—for example the president of the Polish-American Congress—to submit statements which will be included in the record.

[Opening statement of Chairman Dole follows:]

Opening Statement of Chairman Dole

On December 12, in stark violation of the Helsinki Final Act, martial law and military rule were imposed in Poland. It is clear now that the aim of this harsh crackdown was the suppression of the Polish workers' movement, Solidarity, as well as the rollback of the unprecedented political reforms and social renewal which that movement had stimulated during the past 16 months. The purpose of this hearing today is to examine the recent events in Poland as direct violations of the human rights and other provisions of the Final Act and to determine what can be done to preserve human rights gains in that beleaguered country.

The imposition of military rule came at precisely the time when the 35 participating state in the Helsinki process meeting in Madrid were on the verge of final consideration of a draft concluding document designed to bring that protracted meeting to a conclusion. Now, the likelihood of a successful conclusion at Madrid seems more remote than ever.

The imposition of martial law in Poland and the subsequent crackdown on Solidarity are flagrant violations of essential human rights and Basket III provisions of the Helsinki Final Act. Basic civil rights have been suspended, particularly those assuring personal liberty. A ban has been imposed on public meetings and demonstrations. There have been widespread arrests and detentions, said to number in the tens of thousands. Criminal penalties including arrest and summary trial have been imposed on those accused of posing a threat to the security and defense of the state. Forced labor has been introduced. State censorship has been imposed over all forms of communications and limitations on freedom of movement have been intiated. Worst of all, the brutal suppression of Polish workers has resulted in grievous and needless loss of human lives.

USING FORCE TO KILL THE DEMOCRACY MOVEMENT

The fire of resistance burns brightly at Solidarity's core, and within the breasts of nearly every Pole. It will continue whether the harsh Communist regimen is reimposed after prolonged, massive bloodshed or with fatalistic acquiescence by the Poles themselves. Communism is a form of dictatorship, a continuation by other means of the Czarist autocracy. A dictatorship requires no philosophy, only force, and the philosophy of Communism—such as it is—has been shown everywhere to be a colossal failure, a dead idea. Only force remains to insure dominion.

Once before in this century the violation of Poland's liberty served notice on a quiescent West that an imperialistic despotism was a constant and immediate danger to its own freedom. For a long time, certain sectors of the political spectrum in Western Europe and America have been lulled by the benefits of detente and sought self-defeating compromises with an adversary who, in the meantime, continued the most massive arms build-up in history.

THE MADRID MEETING AND THE EVENTS IN POLAND: STATEMENT BY SENATOR BOB DOLE

The 14-month Madrid meeting reached its third target date on December 18, without having achieved agreement on a concluding document, the direct result of the imposition of martial law and subsequent repression in Poland. A compromise draft of the concluding document introduced by the neutral and non-aligned countries during the final week had succeeded in reducing the differences between East and West on the key issues of human rights and military security. Unfortunately, the imposition of martial law and the repression of Solidarity in Poland began just as negotiations on remaining differences were intensifying.

This brutal repression of the reform and renewal which had been going on in Poland for the past year and a half, is a blatant, egregious violation of both the spirit and letter of the Helsinki Final Act. It makes a mockery of the solemn pledges which Poland and its Warsaw Pact allies undertook when they signed the Final Act in 1975. The U.S. Delegation—as well as nearly every other Western Delegation to the Madrid meeting—condemned the events in Poland in strong terms in the plenary session on the last day of this most current phase of the conference.

The Madrid meeting is slated to reconvene on February 9, 1982. It is difficult to imagine how the Madrid meeting can be brought to a successful conclusion as long as the brutality and widespread violation of human rights and fundamental freedoms continues in Poland. Surely, if the situation in Poland has not improved by that time our delegation will return to Madrid, prepared to subject the actions undertaken in Poland to ringing condemnation and to demand cessation of the policy of repression and coercion.

The record should also show that the Commerce Department declined to appear today, and I quote, "due to the uncertain conditions in Poland, it would be inappropriate for Commerce Department officials to present testimony." I might say for the record that Congressman Fascell would have been here except for previous commitments in his district, and his statement will be made a part of the record.

In addition, I would make a part of the record certain data regarding trade, as it applies to Poland—following are tables regarding United States-Polish trade data:

US-Poland Trade Data
By Senator Dole

TABLE I

VOLUME AND COMPOSITION OF US-POLISH TRADE, 1977-80
(Millions of US Dollars)

	1977	1978	1979	1980
US Exports				
Manufactured Goods	114.2	141.6	104.8	94.4
of which:				
Machinery and Instrumentation	(87.6)	(103.3)	(60.7)	(58.1)
Other Manufactured Goods	(26.6)	(38.3)	(44.1)	(36.4)
Agricultural Commodities	293.0	503.5	651.4	571.5
Other	29.3	31.9	30.1	44.6
Total	436.5	677.0	786.3	710.5
US Imports				
Manufactured Goods	170.1	257.3	230.4	240.5
Agricultural Commodities	126.0	155.2	165.0	154.0
Other	33.0	26.4	31.1	22.2
Total	329.0	438.9	426.5	416.7
Trade Turnover	765.5	1115.9	1212.8	1127.2
Trade Balance	-107.5	-238.1	-359.8	-293.7

TABLE 2

US EXPORTS TO POLAND, 1977-80[1]
(Millions of US Dollars)

SITC		1977	1978	1979	1980
0	Food and Live Animals	251.6	413.7	508.5	447.9
1	Beverages and Tobacco	11.1	11.2	13.4	11.8
2	Crude Materials, Inedible, Except Fuels	50.4	97.6	128.0	143.6
3	Mineral Fuels, Lubricants and Related Products	0.2	0.2	0.4	0.1
4	Animal and Vegetable Oils and Fats	3.8	11.4	29.4	10.4
5	Chemicals	16.0	10.3	17.8	16.9
6	Manufactured Goods by Chief Material	11.1	12.7	15.6	15.2
7	Machinery and Transport Equipment	83.6	103.3	61.0	53.2
8	Misc. Manufactured Articles	7.5	15.3	10.3	9.2
9	Items and Transactions Not Classified	1.2	1.3	1.9	2.2
	Total	436.5	677.0	786.3	710.5

* * * * *

[1] Due to commodity schedule changes affecting all data except SITC 0, 1, and 4, 1977-80 data are not directly comparable with previous years figures.

Source: US Census Bureau, EM-522, magnetic tapes.

TABLE 3

US General Imports from Poland, 1977-80[1]
(Millions of US Dollars)

SITC		1977	1978	1979	1980
0	Food and Live Animals	126.6	151.7	168.1	159.3
1	Beverages and Tobacco	1.4	2.3	0.6	0.8
2	Crude Materials, Inedible, Except Fuels	7.2	4.8	3.3	1.7
3	Mineral Fuels, Lubricants and Related Products	18.8	19.7	20.8	9.6
4	Animal and Vegetable Oils and Fats	2.4	2.1	2.5	0.9
5	Chemicals	16.1	22.1	21.7	23.7
6	Manufactured Goods by Chief Material	62.4	110.0	81.5	98.5
7	Machinery and Transport Equipment	28.5	32.9	46.3	49.9
8	Misc. Manufactured Articles	65.1	92.5	81.0	71.8
9	Items and Transactions Not Classified	0.5	0.8	0.7	0.7
	Total	329.0	438.9	426.5	416.9

* * * * *

[1] Note: 1978 and 1979 data are not directly comparable to years previous to 1978 due to commodity schedule changes.

Source: US Census Bureau, LM-145, magnetic tapes.

TABLE 4

LEADING 1980 US EXPORTS OF AGRICULTURAL PRODUCTS TO POLAND
(Millions of US Dollars)

1980 Rank		1978	1979	1980
1	Yellow Corn	161.4	249.6	298.4
2	Soybean Oil Cake and Meal	108.5	76.3	72.0
3	Soybeans	39.8	54.6	66.8
4	Wheat	63.4	107.6	58.6
5	Cattle Hides, Whole	8.3	19.6	19.5
6	Cotton	13.0	20.0	10.7
7	Tobacco	9.6	11.4	9.2
8	Soybean Oil	0.9	14.9	7.2
9	Rice	0.0	9.3	7.1
10	Sheep/Lamb Skins	2.3	3.1	6.0
	Subtotal	407.2	566.4	555.5
	Other Agricultural Exports	96.3	85.0	16.0
	Total Agricultural Exports	503.5	651.4	571.5

* * * * *

Source: US Census Bureau, EM-522, magnetic tapes.

TABLE 5

LEADING 1980 US IMPORTS OF AGRICULTURAL PRODUCTS FROM POLAND
(Millions of US Dollars)

1980 Rank		1978	1979	1980
1	Canned Hams and Other Pork Products	135.9	146.9	138.9
2	Casein	2.1	1.3	3.6
3	Frozen Berries	3.1	2.6	1.9
4	Cheese	2.2	2.1	1.8
5	Hops and Horseradish	1.0	1.4	1.5
6	Non-Chocolate Confectionary	0.9	0.9	1.1
7	Horses	1.2	1.1	1.0
8	Feathers and Down	1.8	1.3	0.9
9	Furskins, Whole and/or Dressed	2.4	1.9	0.6
10	Pickles and Mushrooms	0.3	0.4	0.5
	Subtotal	150.9	159.9	151.8
	All Other Agricultural Products	4.3	5.1	2.2
	Total Agricultural Products Imports	155.2	165.0	154.0

* * * * *

Source: US Census Bureau, IM-145, magnetic tapes.

TABLE 6

LEADING 1980 MANUFACTURED GOODS EXPORTS TO POLAND
(Millions of US Dollars)

1980 Rank		1978	1979	1980
1	Motor Vehicle Parts	12.8	9.3	9.2
2	Digital Electronic Components	0.6	0.0	5.5
3	Molded Case Circuit Breakers	3.0	0.8	5.3
4	Cotton, Nylon Yarn and Thread	4.3	7.8	5.1
5	Electric Controlling, Measuring Instruments	8.8	5.9	4.5
6	Flourinated Hydrocarbons	0.4	3.4	3.4
7	Diesel Engines	1.6	1.9	2.9
8	Glassworking Machinery	9.1	5.2	2.6
9	Prednisolone, Esters, Salts	1.7	2.1	2.4
10	Perromolybdenum	0.0	0.0	1.6
	Subtotal	42.3	36.4	42.5
	All Other Manufactured Goods	99.3	68.4	52.0
	Total Manufactured Goods (SITC 5-8)	141.6	104.8	94.5

* * * * *

Source: US Census Bureau, EM-522, magnetic tapes.

TABLE 7

LEADING 1980 US MANUFACTURED GOODS IMPORTS FROM POLAND
(Millions of US Dollars)

1980 Rank		1978	1979	1980
1	Drilling, Milling and Boring Machines	13.7	21.9	20.2
2	Men's and Boys' Outerwear	21.7	21.1	19.7
3	Iron/Steel Plates	49.3	16.5	18.2
4	Leather Footwear	22.4	16.5	16.2
5	Iron/Steel Nails, Screws, Bolts, etc.	17.5	13.7	15.1
6	Cyclical Chemical Compounds	14.0	12.9	12.7
7	Woven Fabrics	8.9	11.1	12.0
8	Cotton Towels and Related Furnishings	5.1	5.7	7.7
9	Wrenches, Files and Related Tools	3.8	5.2	7.7
10	Furniture	9.9	8.4	7.3
	Subtotal	166.3	133.0	136.8
	Other Manufactured Goods Imports	91.0	97.4	107.5
	Total Manufactured Goods Exports	257.3	230.4	244.3

* * * * *

Source: US Census Bureau, IM-145, magnetic tapes.

Mr. Dole. So without further delay, unless there's another member of the Commission who would like to make a brief statement——

Senator Leahy.

Mr. Leahy. Simply, Mr. Chairman, that I think it's fortunate that we have a chance to hear from the Ambassador. I reserve my statement to give him the time to speak.

I think at a time when we are getting at the very best only sketchy information out of Poland, when so much of the information that we have to get comes from the heavily censored sources in Poland, I think we are indeed fortunate to have the direct information that the Ambassador has. Information that he would obviously have from his own sources in Poland, and his own viewpoint on it.

I cannot quite frankly, think of any act that would cause me greater grief than to have to sever my ties with my own country. I can imagine the amount of sorrow and grief that it must have caused you, Mr. Ambassador, and your wife and your daughter.

That is the hardest thing anybody can do, especially a person as patriotic as yourself, one who has risen high in the government of his country, one who obviously loves his country. And to do that, how difficult it is. And I admire your courage. My sympathy goes to you and your family for the very difficult act.

I hope that our country will at least be able to provide you the freedom that you are looking forward to. And I hope that someday the time will come when you will be able to return to your country with the type of freedom that you would like.

Mr. Dole. Senator Hatch.

Mr. Hatch. Mr. Ambassador, welcome to this country. We're happy to have you before our Commission and certainly look forward to your testimony. Also, of course, that of Mr. Baranczak and Ambassador Kampelman, who has done and is doing an excellent job for our Commission on Security and Cooperation in Europe. We can appreciate the strain that you're under, and appreciate the efforts that you're making to be with us this morning.

Mr. Dole. Congressman Ritter.

Mr. Ritter. Mr. Chairman, I am deeply gratified to see that in spite of Congress having adjourned, its Helsinki Commission, the Commission on Security and Cooperation in Europe, has shown the presence of mind and spirit to convene and investigate the violations of the accords presently going on in Poland.

Thus, we show here, today, that not all of the U.S. Congress is closed for business during these times of trial. Not all of our fellow legislators are indisposed to action on behalf of the Polish people.

It is our responsibility as Commissioners to call attention to the trampling on this agreement by a Stalinish jackboot. It is our responsibility as elected representatives in a free society to call out to the world, to counter the silence enforced on the Polish people, or the newspeak that comes out of the Soviet and the Polish propaganda organs.

Mr. Chairman, I have written a letter to House Speaker O'Neill and to Senate Majority Leader Baker urging that a special "Joint Solidarity Session" of the United States House and Senate be convened starting Monday, January 5, to demonstrate America's personal support for the Polish people. We owe it to them. And we owe it to ourselves.

By closing down all free communications from Poland, down to the last ham radio operator, and then going full blast with their propaganda organs, the Polish and Soviet Governments are cynically squashing a nation underfoot, and at the same time gagging its people.

These hearings today will go a small way to bringing some light to the darkness. Mr. Ambassador, I will be lighting this candle, which has been burning since Ambassador Spasowski addressed the American people on December 20. I will light it for the duration of these hearings today on behalf of Solidarity and the Polish people. Witaem.

Mr. DOLE. Mr. Palmer, do you have a statement?

Mr. PALMER. I have no statement.

Mr. DOLE. Thank you.

We are now very honored and very privileged to have Ambassador Rurarz. We are very pleased that you are here. We are pleased that your wife and your daughter have accompanied you to this hearing. It is a serious time for you. A serious time for the world, our country, your country, and this Commission.

So, without taking any more of your time, we are very pleased to have you here. You may proceed in any way that you wish. If you have a prepared statement, it will be made a part of the record; I understand you are willing to submit to a few questions from members of the Commission.

Mr. Ambassador.

STATEMENT OF AMBASSADOR ZDZISLAW RURARZ, FORMER POLISH AMBASSADOR TO JAPAN

Mr. RURARZ. Honorable Members of the U.S. Congress, I am greatly honored to have the privilege to address this distinguished body on a very special occasion, which is the hearings on the violation of the human rights in Poland.

A great deal of attention is nowadays devoted to the events in Poland.

I, my wife, and daughter were greatly moved last Thursday, when driving from Dulles International Airport, to have seen those single candles lit in the windows of American homes expressing their solidarity with my country. We were also deeply moved by President Reagan's reference to Poland in his Christmas message, to which we listened in Tokyo the day we boarded the plane to free America.

Many thanks for that moral support.

Poland is now on the lips of all those wishing us good and those fearing we might go free. But Poland is by far much more a topic among the Poles themselves.

We express the gratitude to everybody paying in good faith the attention to our fate, but it is primarily we who are responsible for it.

When it comes to me I dramatically demonstrated what I think about the events in Poland. In a country with a long tradition of tolerance and compromise, the basic human rights are being violated on an unprecedented scale and with excessive brutality.

I do not say that this is something new in Poland and born only on that fatal day of December 13.

Poland has been constantly living under terror for more than 42 years. That terror cost it millions of lives. Having fallen the victim of big politics during World War II, Poland had to adopt the alien system based on terror as the surest means of its existence.

Many of us, having had no other choice, thought even that we could somehow turn our prison into something livable and eventually even into something which, by the logic of evolution, may one day make the bars disappear.

And although the examples of Hungary and Czechoslovakia, to say nothing about our own eruptions of social unrest, always stained with bloodshed and violence were rather not promising, I and many like me still have had the illusion that perhaps one day we shall overcome.

That day seemed to be finally looming on the horizon. It was the waves of strikes which swept across Poland in July and August 1980. As a result, a new and truly independent trade union known as Solidarity was established. Never before has anything like that ever happened in Poland or elsewhere in Eastern Europe.

The very fact that Solidarity came into being was in itself of major historical significance—not only in Poland.

The reasons leading to that were numerous. Poland's socioeconomic system, founded on would-be scientific socialism, has been nothing more than the excessive bureaucracy, misconception, and mismanagement, to say nothing about a more philosophical general concept of economic development which has been least oriented toward meeting the needs of individual human beings.

No wonder such a system has been widely despised by the crushing majority of my nation. And when the occasion came, that majority managed to give birth to the said Solidarity.

The circumstances accompanying this very event could be long debated. I myself could tell a lot on that, but maybe not at this moment because of the lack of time.

It was obvious from the very beginning that Solidarity, which became more a genuinely Polish mass movement than trade union itself, had no place to exist in would-be people's Poland.

I know from reliable sources that the U.S.S.R. from the very beginning disapproved Solidarity's existence and was pressing the Polish authorities to rollback the situation to a pre-July 1980 state, that is even prior to the establishment of Solidarity.

The Polish authorities, confused and clinched in internal feudings, could not respond to that wish at once. But from the very beginning they adopted the delaying and generally perfidious tactics of dealing with Solidarity and with its sister, rural Solidarity.

A period of a great contest began in Poland. On one hand the patriotic forces, mostly represented by Solidarity, rapidly growing in number, and on the other a battered party, confused government and, unfortunately, unshaken by the crisis security forces, army elite and emerging group of hardliners existing rather outside a ruling structure, and directly linked to the Soviet semiclandestine operations in Poland.

That contest had only one solution, namely, a confrontation. It was only a matter of time.

The whole free world had greatly misinterpreted that contest. Although it rightly thought that the main obstacle to the process of democratization in Poland was the U.S.S.R. and its satellites, it overemphasized that and even somewhat simplified it. In other words, Soviet unhappiness with Polish events and its eventual counteraction was worldwide believed to be taking the form of direct military intervention in Poland.

Such a scenario led to a somewhat simplified formula adopted in the West that the Polish crisis had to be settled by the Poles themselves.

That formula in the normal democratic conditions could be certainly valid.

But it was somehow forgotten that Poland, even after Solidarity came into being, remained a country with still existing structures of an oppressive character ready to jump on infant democratic movement. Needless to say that those structures were in fact Soviet fifth column in Poland. The U.S.S.R. has had plenty of time to staff those structures with its own agents, especially that Poland is more important to it than any other country in its orbit.

Thus leaving the solution of the crisis to the Poles themselves, surrounded by the Soviet troops and of their allies, as well as those stationed in Poland itself, and plus a mentioned fifth column, was quite a task. The disaster was more than certain.

At this moment I must forcefully reject the notion that the present clampdown on Poland was invited by the growing radicalism of Solidarity itself. Nothing more false than that!

To be sure that growing radicalism was also really a case. But the reasons for that was a frustration that Solidarity, having been a mass organization, was reduced to nothing in fact. All its negotiations with the authorities were leading nowhere, for the authorities negotiated in bad faith. All the negotiated solutions, if any, were hardly being put into operation.

Thus the governmental tactics of discrediting Solidarity as a talking shop became more than obvious.

But this is by far not the end of the story. The perfidy of the authorities went further and took revenge on the population itself for its support of the democratization process. That revenge took the form of aggravating the ordeal of the people desperately looking for most basic items of daily life. There is a lot of evidence that the authorities were manipulating with the supplies to the market. The lines in front of the shops grew ever longer, the rationing more widespread. The authorities believed that by keeping people in a constant hunt for food, soap, matches and almost everything else would turn them away from meetings and even thinking on what to do next. At the same time a vitriolic propaganda against a would-be chaos, allegedly instigated by Solidarity, was being launched on a daily basis. That propaganda naturally echoed in the U.S.S.R., Eastern Germany, and Czechoslovakia. Overblown adverse effects of strikes were painted as the causes of all the troubles in Poland.

In other words, the authorities' main strategy, that "the worse the better," was in full gear.

And here comes to the fore the enigma of General Jaruzelski.

What was his role in the tragic Polish drama?

The very fact that his ascension to total power went as it did suggests clearly that the Kremlin approved unprecedented monopolization of power by him.

Having had a rather unfortunate experience with Dubcek in Czechoslovakia who, in Moscow's eyes, betrayed it in the case of Jaruzelski, Moscow must have had good reasons to trust in his allegiance.

Now I also believe, although until recently I was doubting that, that it was Jaruzelski himself behind the provocation last March in Bydgoszcz where some Solidarity activists were beaten and those guilty for the assault, as well as for giving the order to security forces to arrest the said activists, were never found. Strange, isn't it?

I myself spoke on that with Lech Walesa and Jan Rulewski, the latter the victim of the beating, during their stay in Tokyo last May. They seemed to point with their fingers to Jaruzelski, although they carefully missed mentioning the specific name.

In June last having been in Warsaw I heard the same story. This time from very reliable sources and with the name not spared. But I admit I could hardly believe that.

Nevertheless, I must state in this place that because of the events in Bydgoszcz and the possibility of a general strike I was awakened one night late in March in Tokyo by a cable from Warsaw informing me about the possible state of war.

Thus the authorities long ago had that option in mind.

By the way, that cable was never invalidated.

Moreover, I believe that the U.S.S.R., in concert with Polish authorities, was intentionally diverting the attention of the free world from internal matters to external ones. It periodically was organizing big maneuvers in Poland and around Poland. Everybody thus was afraid of the direct Soviet intervention. Believing in that, the cry for leaving the Polish crisis to the Poles themselves was strengthening.

I believe that this was exactly what Moscow and its Warsaw puppets really wanted.

When everybody was preoccupied with an external threat to Poland the real threat, that is internal, was covertly unfolding.

I just say that this perfidious game went much further. I was quite concerned about the Kremlin's letter of June 5 to the Central Committee of the Polish Communist Party. It happened that I was in Moscow soon afterwards. I grew even more suspicious then. Coming to Warsaw from Moscow I learned that it was the Polish army generals who defied Moscow in connection with that letter.

When talking to Kania and Jaruzelski I somehow wanted to know the truth. Both carefully escaped any clues on that. I started to suspect, and this suspicion was also shared by some, that the whole issue was a very subtle game. It really helped to portray Kania, and Jaruzelski first of all, as the true nationalists. Both were overwhelmingly, especially Jaruzelski who became most popular during the July Party Congress, reelected to highest party authorities. And the Congress itself was quite responsive to their personal preferences as to the candidates to the newly elected Central Committee.

That Committee, as never before, was stuffed by the army people and rather by the hardliners. The shrewd game played by the above letter was won. Even democratic election failed to elect the liberals to the highest party authorities. It was a bad omen.

The time has then come for the final stage of the contest.

The official propaganda hysterically was denouncing various antisocialist and anti-Soviet activities, evidently much overblowing them. Especially abominable was the way the desecration of Soviet soldiers' graves in Poland was painted. Conspicuously, however, the propaganda was silent about the desecration of Polish soldiers' graves and even of a disappearance from Warsaw's cemetery of a symbolical monument commemorating Katyn massacre by the Soviets in April 1940.

All that was suggesting nothing good. Trying to divert the attention even further, the Soviets lodged an official protest on anti-Soviet activities in Poland before Warsaw's authorities.

This misled public opinion in Poland and elsewhere. Many thought that the relations between the authorities and the U.S.S.R. were deteriorating. And when the final touch was given to the preparations for a state of war, in the form of Jaruzelski's monopolization of power, many took it for even a good move. They wanted to believe that Jaruzelski might stand up to the Soviet intervention.

The truth was, however, very much different. Sometime in November I learned from a very reliable source that the state of war was set for winter, possibly December. The severity of the winter and exhaustion of the population were factors behind that decision. The clampdown would meet the least resistance then.

Many reservists from the security forces, even those retired, were quietly being called up. At the same time the authorities were behaving in a clearly provocative way. All blame for a breaking dialog with Solidarity was naturally thrown on the latter. And to lure the vigilance of the people an ill-defined idea of creating the front of national reconciliation was launched.

I read the respective letter by the Politbureau. I was appalled by the shallowness of the idea itself. It was clear to me that no serious thought was given to that idea. Then came the allegations that Solidarity was preparing for a coup d'etat.

Finally, the state of war came—the war declared on the Polish nation by the Soviet agents, unfortunately wearing Polish army uniforms.

Some want to believe that by declaring a state of war Jaruzelski wanted to preempt the blow by the U.S.S.R. itself.

There is, however, no slightest evidence to support such a belief.

On the contrary, the Soviets must have been clearly aware of everything. Even more than that. They had to approve the deployment of troops. The Warsaw Pact command must well in advance accept any troop movements in its operational area. And the frequent visits by Kulikov, Warsaw Pact Commander, in Warsaw clearly suggests the above.

Many wondered why Moscow showed that much patience with Poland's events and waited that long.

My explanation is that it was worth waiting. Direct Soviet intervention, although possible, was the least advantageous option. The covert intervention, as the case is, was by far the most advantageous. And it was really worth of waiting.

When it comes to Jaruzelski he played the most dirty game in our history. The nation would praise him if he would stand up to the Soviet intervention. No matter that the nation could pay dearly for that. But the nation will never, I repeat never, forgive him the blood of Polish coal miners and of others shed these dark days! Let the murderers do not style themselves for the saviors.

The Polish nation has already passed the verdict on its traitors. I hope they will not escape the punishing hand of justice.

Honorable Members of the U.S. Congress, the violation of human rights in Poland by the junta will long be a topic in Poland itself and throughout the world.

The junta claims that Solidarity wanted to destroy the independence of Poland by preparing the demonstration in Warsaw on December 17 to commemorate the fallen works 11 years earlier, and by talking about a nationwide referendum on whether the present government should stay in power.

Let me tackle briefly these would-be abhorrent attempts on Poland's independence.

When it comes to the first would-be crime of Solidarity the problem is that the slayers of the Polish workers in Baltic port cities in December 1970, are somehow still unknown. And can anybody really talk about the preservation of human rights when people are being shot at will and the slayers go unpunished, or even anonymous? And is it a crime to commemorate the memory of the dead? What is the state which is afraid of all that?

Now, when it comes to Solidarity's second crime, namely that it wanted to ask the people what they think about their government, the issue requires some attention.

Post-war Poland never had any free election. Certainly, any free election could unseat the Soviet puppets from ruling the country. Everything would be fine, however, if those puppets would publicly admit whom they really are.

But they claim Poland is independent. True, that it is socialist and allied to the U.S.S.R. but independent, nevertheless.

And when all that was supposed to be put to the test the puppets immediately objected to the idea.

Naturally, they knew what they were doing. For the would-be independence of Poland does mean in fact a total dependence on the U.S.S.R. That very fact is the most flagrant violation of human rights.

When it comes to socialism, which was brought to Poland on Soviet bayonets, its failure in Poland is disastrous.

People are denied almost everything. The violation of human rights is also the poverty and destitution in which the Polish nation lives. My country is rich in natural resources, land and the people are industrious.

Yet the failure on the economic front is unique in the world.

But the people are still being said that they live under the best system that mankind ever had.

Besides, Solidarity never really challenged the existence of a socialist system as such.

Thus when the people want either to know the truth, or ask themselves who should be ruling them, the tanks start rolling for the state is mortally threatened in its existence. What a perfidy! What a violation of basic human rights.

For that violation the U.S.S.R. and its Warsaw puppets should never escape punishment.

Distinguished Members of the U.S. Congress, the Polish drama which is unfolding before your eyes is not, I emphasize not, of the Polish making, although true that it is coengineered and executed by Polish puppets. The real screenplayers and conductors of the Polish drama sit behind the Kremlin walls.

The nation of 36 million, living under the Soviet yoke for so many years, may have a few thousand traitors. Placed in key positions, having all the arms at their disposal, and being backed by Soviet might, they can temporarily deal a blow to a nation caught by surprise.

But this is only the first round.

The crime Moscow's puppets commit now in Poland will not break the spirit of resistance in my nation. A hard lesson is being taught now in Poland. The Poles are quick to learn. Do not be deceived by official propaganda that life in Poland returns to normal. It will never return before Poland is totally free. Those who are detained will be replaced by thousands of others.

If the authorities put an end to dialog and put on the agenda the bayonet instead they will have it.

This will be primarily our fight. We, and I wholeheartedly, who belong to the freedom fighters, seek only the understanding here that we are in fact fighting against the U.S.S.R. Poland enslaved by it is really not Poland and, therefore, there is no Polish internal matters which could only be settled by the Poles themselves. And only this we want you to understand, which is so difficult to understand in some countries even closer to Poland. Any lack of grasping this is not only a sheer naiveness, but it borders with utmost irresponsibility before the ideal of freedom.

You, honorable Members of the U.S. Congress, are now shocked by the gross violation of human rights in Poland. In fact, it is nothing but a new stage in that violation festivity going on for years.

Much more is to come. It is really philosophical how many people fell until now. People are getting killed and it is this that counts. People are being denied of the most basic rights in the best fascist and Stalinist tradition. Behind all that is the devilish U.S.S.R. with its inhuman system, which almost rotten to the ground is still able to poison mortally.

Please feed this system with your grains and one day you yourselves will be bitten. Do not give a single penny to the treacherous Polish military junta, which violates everything, starting from the United Nations Charter and ending with the Helsinki agreement. Help only the Polish population, but through channels over which reliable control could be established.

Poland has the right to regain freedom by all means.

We, the Poles, will never surrender until our beloved motherland is free from all foreign domination.

As my great compatriot, John Paul II, once said —there is no just Europe without free Poland. I would go even further—there is no just world without free Poland.

Poland is not yet lost!

Thank you for your attention.

Mr. **Dole**. Thank you Mr. Ambassador for that outstanding statement.

Could you tell the members of the Commission what considerations led you to defect to the West? You touched on some of those early in your statement. Why did you finally decide to defect after years in the communist system?

Mr. **Rurarz**. Yes, Senator, I can answer maybe in an emotional way.

Very frankly, when coming to Japan in a very complicated Polish situation, and when meeting the Japanese, I was all the time trying to say to them that although we are passing through a very difficult period in our history, still we are being guided by the best historical traditions of ours, namely compromise and tolerance. They were believing me that.

And when afterwards I realized, after the introduction of the state of war, that this is absolutely untrue what I was saying to everybody, and in what I even wanted to really believe—then I decided to demonstrate, in a most dramatic way, that I break with all that.

Just to give you an example, I have been receiving many delegations of Japanese workers, of the Japanese people presenting me petitions and asking me for the restoration of basic human rights in Poland and so on.

Believe me, Senator, I was sinking deep in my armchair, and I was a broken man. I couldn't really answer them that my country could be doing anything like that.

I wanted to show to the whole world what I am thinking about that. And this step I have done is really something of a special, I would say, nature in my case. But I do not regret it. I am proud that I have broken with those practices, with those inhuman approaches to human problems.

Mr. **Dole**. Mr. Ambassador, you indicated in the later part of your statement some of the responses, or at least some things we should not do. Have you given any thought to what the appropriate U.S. response might be to the present Government of Poland?

President Reagan made some statement just last week outlining at least the first step. Do you have any suggestions?

Mr. **Rurarz**. Yes; of course, I do.

I think that the Polish problem should not be dealt with separately as an isolated Polish case. That problem is of a more global nature. There is no doubt that Poland is virtually a part of the U.S.S.R. And what is happening in Poland is virtually impossible to imagine that that wouldn't have the blessing of the U.S.S.R.

The only exception to that was the Solidarity movement which was born in Poland last year. And that was, of course, not to the liking of the U.S.S.R. And we see now how it all ends.

I think that in your dealings with the Polish military junta, or the government, whatever you prefer, you should not be forgetting who is behind all that. That junta, that government would not stay in power even a day, would never come to power by the way, if that backing of the U.S.S.R. would be not there.

So when dealing with the Polish military junta, you should deal first with the sponsors of this junta.

Mr. DOLE. The sponsors being the Soviet Union?

Mr. RURARZ. Of course, of course.

Mr. DOLE. That would mean that no trade, no food, no assistance of any kind, no credits to the so-called military junta.

Mr. RURARZ. Not only to the military junta. I would go even further than that. Not to the sponsors either.

Mr. DOLE. The sponsors. But if, in fact, we could direct food aid through private channels to the people, is that possible do you believe, in Poland today?

Mr. RURARZ. If you could only have control over the distribution of that food. Certainly, the Polish people are hungry. They must be supplied with food.

But knowing from what I know, without having the control, that food could hardly come to those really needing it.

Mr. DOLE. Are you aware of the willingness of other countries to join the United States in this global effort? Have you had contacts with any one in other countries?

Mr. RURARZ. Not very much, for the time being. I understand there is some sympathy to the U.S. stand on that. However, it may not be evenly distributed among your allies. But it looks like they are making up their minds, and it is very likely the U.S. lead could be followed, if only a determined one. At least by some of the countries it definitely could be followed.

Mr. DOLE. Senator Leahy.

Mr. LEAHY. Thank you, Mr. Chairman.

Recently, Mr. Ambassador, in a broadcast from Warsaw, a spokesman for the Polish Government, when asked about the reports coming out and the fact that we have not been able to see for ourselves, said something to the effect that shortly you'll be able to see for yourself.

Do you see a time coming soon that uncensored news might be able to get out of Poland? Or do you think he was just simply saying that and not meaning it?

Mr. RURARZ. No, I don't think so, Senator. It, the news, was censored even before. And everything has ended as it ended. To restore, now, a complete freedom in mass media is, I think, something unthinkable.

The Poles would immediately start talking and even examining the causes of the present clampdown and they would be looking for those responsible, not only for the imposition of martial law, but for killing the people. And I think that if the situation before that clampdown was explosive, by introducing complete freedom of press and or mass media would make the situation even more dangerous.

People would recover from the shock and would start thinking not about having a compromise, a dialog with the present regime, but they would be seeking now its complete unseating.

That kind of regime has no legitimacy in Poland any longer. It will be certainly not permitting any freedom of speech, gathering, or something like that. That, I think, is over, at least for the time being.

Mr. LEAHY. Mr. Ambassador, if I could return to a question Senator Dole asked earlier. As you know, this country has great ethnic and historical ties with Poland. And it really creates a great deal of suffering in our own people to see the suffering going on in Poland. We just naturally want to be able to do something to help. We do not want to see hungry people anywhere, and especially in this instance where they are many times friends and relatives.

And on the one hand we do not want to do anything obviously to aid the military regime in Poland, especially controlled from the Soviet Union. We also, however, want to get food to the people if we can.

There has been a suggestion that we work with a number of the private organizations, CARE, the various Catholic charities, others that are going in there. How good are their distribution systems? In sending food through those private organizations, can we have some assurance that at least most of it would get to the people that we intended it to go to?

Mr. RURARZ. I think, yes, under the condition that the distribution of that food parcels would be supervised by, for instance, the Catholic church in Poland and some other charitable organizations associated with it. That's almost certain that the food would really be received by those who deserved it.

Mr. LEAHY. But we would have to have a monitoring system to do that?

Mr. RURARZ. Yes, of course. Even the transportation to the respective points should be very much supervised, I believe. Otherwise it could be disappearing on the way to the destination.

Mr. LEAHY. What—and did I understand you earlier, there's one part of your testimony I'm not sure—just so I can clarify it, did you say that there were Soviet troops in Polish uniforms?

Mr. RURARZ. Yes. Officially, there are the two Soviet armored divisions in Poland, plus communication units, and besides there are some air forces also. A part of that, there is always some movement of the troops on a temporary basis. You never have a check on that, whether they left the country or not, when they come, from where they come, and so on. So that this is a question in itself.

Besides, the closeness of Poland to the major deployment of Soviet forces is another problem. Well, I, of course, have no proof to substantiate my answer to your question, but I understand that some can be. Of the called up Soviet reservists, as far as I know, last September at least, the Soviets were looking for some Ukranians speaking Polish.

I would not exclude that in some cases they could not really be Polish troops wearing Polish uniforms.

Mr. LEAHY. If I could ask one last question, Mr. Chairman. I wonder, Mr. Ambassador, to what extent can the Catholic church be of help in the situation in Poland today? To what extent can the Catholic church act as any kind of an arbitrator or a go-between with the people and the military?

Mr. RURARZ. Well, the Catholic church in Poland is a big moral force, not a political force. And I think that the Catholic church would be rather hesitant to assume the political role, because then it could be easily reproached one day that it is seeking, let's say, political benefits by doing that.

But the moral support, and all the Poles know that they have a refuge in church. Church is an impartial body which may be passing the judgment on the situation. But I think that, taking into account the special situation in Poland, the Catholic church could go beyond that constraint, and could reach out for some political solutions. But I think the Catholic church rightly is avoiding being politically involved in the crisis.

At the same time it could be very instrumental in bringing various factions to the negotiating table. But I, Senator, really believe that right now the period of genuine dialog, genuine negotiations, is over. You can't really have a dialog when you are detained, or where you fear you may be detained when leaving the negotiating room.

I, myself, being in Walesa's place, and in place of the others who are now detained, I would never negotiate under such a threat. There's no point of negotiating.

Mr. **Leahy**. Thank you, Mr. Ambassador. I appreciate this opportunity. From the years that I've served on this commission. Since we started this commission, Mr. Chairman, I have not heard a statement that has been as moving, as personally moving as yours, or as powerful a statement as you've made. And I appreciate it very much.

Mr. **Rurarz**. Thank you.

Mr. **Dole**. Senator Hatch.

Mr. **Hatch**. Thank you, Mr. Chairman.

Mr. Ambassador, I've been very concerned with the ILO conventions, International Labor Organization conventions which basically are against forced labor. Recent reports have revealed little military tolerance of strikers, have revealed particularly brutal conduct toward miners, including reports of gassing mines, flooding mines, resulting in forced labor to restore production.

Now, do you believe that these reports are accurate?

Mr. **Rurarz**. Definitely, I do believe. Definitely.

Mr. **Hatch**. Do you have any evidence which shows that?

Mr. **Rurarz**. Well, the martial law is clearly saying that by not reporting to work you may be punished. So, after all, this is slave labor, one is compelled to report to work. One cannot protest the clampdown by staying away from their workplace. I can be arrested and put before the military court. I don't have any proof right now how many people are in that position, but at any rate the potential danger exists, which is indicated specifically by the martial law.

Mr. **Hatch**. To what extent have Soviet "advisors" participated in these reported crackdowns against coal miners?

Mr. **Rurarz**. Well, I am lacking some details, of course. May I just say, at this moment, that the newspapers, those officially edited in Poland, are not allowed to go abroad.

The cables I was receiving were extremely scant when it comes to information and very much delayed. I knew much more from the Japanese newspapers than from those telegrams.

But I understand that the bloodshed which was effected in the coal mines was done by the security forces and by the special units of the police not by the army. The security police, as far as I know, is directly advised by the Soviet advisers in Warsaw.

Mr. HATCH. I see.

Now there are two ILO conventions which deal with forced labor. Convention 29 and 105. Convention 29 was adopted in 1930. And that defined forced labor as.

> All worker service which is exacted from a person under the menace of any penalty and for which the said person has not offered himself voluntarily.

The abolition of the forced labor convention was adopted in 1957 and defines a number of new forms of forced labor which should be abolished, including the use of forced labor for economic development.

Even prior to these recent occurrences, has there been forced labor in Poland?

Mr. RURARZ. Occasionally it was. The prisoners were working, and even special army units were used, the conscripts were used for the work so that they had no choice of refusing. They were quite simply ordered to work. And it was almost the rule that the prisoners were producing certain items for the industry, for the market. Whether they are those items, I mean the finished goods, or only the elements of them or something like that is secondary. But nevertheless they are kept busy working according to, let's say, various orders which they receive.

Even recently when there was rioting in the prison of Kamiensk, and this was widely reported in the press was free, almost free press before the clampdown, it was clearly said that the prisoners were working. And, of course, probably not on their choice, but they were quite simply compelled to work.

Mr. HATCH. Another more subtle means of political coercion used by Warsaw Pact countries are provisions in the legal codes which provide criminal penalties for so-called vagrancy and parasitism. You are aware of those criminal penalties?

Mr. RURARZ. Yes.

Mr. HATCH. Now Communist political ideology dictates that every citizen has a social and moral obligation, or duty to work. If he has no regular job or refuses to work he is then deemed to be a social parasite.

A person may then be prosecuted as a criminal with sanctions involving compulsory labor. On such cases, compulsory labor has the function of political repression or reeducation, which is a direct violation of Convention 105 under Article 1 of the International Labor Organization.

And in my conversations with some of the ILO leaders, including the Director General, it is my understanding that these problems persist in Poland in an enhanced form or an aggravated form today. Is that correct?

Mr. RURARZ. Right now it is my understanding that all people have to work, have to report to their workplaces. Although Polish law on that was more flexible than the Soviet one, nevertheless, since there was no unemployment in Poland, all the people, more or less, are obliged to work. And especially, now, when there is martial law, any absenteeism can be considered not only as being of a parasite nature, but as being of political nature, a political demonstration. So this is even right now, probably, more serious crime than it otherwise would be, because to be a political criminal or a parasite is a very big difference I think.

Mr. **Hatch**. Well, thank you, Mr. Ambassador.

We appreciate the courage of you, your wife, and your daughter in being with us today.

Mr. **Dole**. Congressman Ritter.

Mr. **Ritter**. Thank you, Mr. Chairman.

I might point out that this candle stick is over a hundred years old, and it is originally from Warsaw. And at the time of the "great and wondrous" October Revolution a woman took it out across Russia and Siberia to freedom.

Mr. Ambassador, you said that if we feed this system with our grain we will one day be bitten. I take it you were referring to the Soviet system.

You were Ambassador to Japan, and I think you have a lot of personal experience with the Western nations doing very major business with the Soviet Union. What are your feelings about the nature of this trade arrangement between the Western allies, the Western nations and the Soviet Union?

And I might add a footnote. This morning on the radio, while I was coming in from my congressional district in Pennsylvania, I heard that Hans-Dietrich Genscher, the Foreign Minister of West Germany, was looking toward more substantial negotiations with General Jaruzelski, feeling that General Jaruzelski is a Polish nationalist. That seems to run counter to what you have been saying here this morning and indicates that the West German view of this trade arrangement with the Soviet Bloc is a view that may lead them to be bitten as well.

Could you comment on that, Mr. Ambassador?

Mr. **Rurarz**. Yes, Senator, of course.

Well, I don't know who knows more on the Polish situation, Hans-Dietrich Genscher or I. If he thinks he knows more, then God bless him.

I am really not in a joking mood, but when it comes to these dealings, or future dealings, I understand, perfectly, Congressman, what you have in mind. I think this gas pipeline is a major problem.

All right, if everything is completed then annually, the U.S.S.R. will be getting more than $10 billion of export earnings from that gas. Natural gas.

Mr. **Ritter**. That's $10 billion in hard Western currency from the transfer of the gas?

Mr. **Rurarz**. Yes. Well, for what they will use that $10 billion, this should be a West German worry, not mine. But since I am not in a joking mood, I would nevertheless say the following: that is that if they try to build that gas pipeline, they should do it in a much, much bigger diameter, so that one day instead of natural gas they could maybe have the tanks rolling out of that pipeline.

Mr. **Ritter**. Did you say that they should build the pipeline in a much larger diameter?

Mr. **Rurarz**. Yes.

Mr. **Ritter**. That one day they could see the tanks?

Mr. **Rurarz**. Instead of the natural gas.

Mr. **Ritter**. Instead of the natural gas.

Mr. **Rurarz**. Yes, that's something which I am, of course, now saying rather jokingly. But, nevertheless, how one can rely on that, that they would be supplied with the natural gas? If they believe that, that's their problem. I don't think they should.

Mr. **Ritter**. You know, there are some major commitments of American technology toward the construction machinery for that natural gas pipeline. And, indeed, all of the West seems to be getting in on the supposed gravy. Caterpillar Tractor has some major arrangements for pipeline laying equipment. As you know, the West is——

Mr. **Rurarz**. I know the competitors especially. I know that, yes.

Mr. **Ritter**. And the West is also in a recession. This is thought to be good for jobs and employment. What is your feeling about the long range dependence upon a lifeline of Soviet gas? I take it West Germany's dependence would be fully 5 percent of their total energy consumption, and 30 percent of their gas consumption.

Do you have any advice for the West Germans, who may be watching these hearings, or listening in this room? I might add, we asked them to come to this hearing. We asked their Government to sit with us and discuss this issue. They have not chosen to show up, nor has our own Commerce Department chosen to show up. So your opinion in that regard would be most valuable.

Mr. **Rurarz**. Yes. I have spoken out my mind on that. I think, however, to be fair, they could cite that, all right, as long the Americans export the grains to the U.S.S.R., why we should not be, let's say, trading extensively with them either? So that this, I understand, is a very complicated matter which should be agreed upon among the Western allies to work out a proper handling of this problem and to work out a common stand.

Mr. **Ritter**. I suggest that there are many Americans, Mr. Ambassador, many Americans who would be in strong support of an overall restriction on trade with the Soviet Union be it grain, or computers, or technology for a wide diameter pipe—many Americans who would go along with it. And I do believe many West Germans would as well. I hope we can get on with those kinds of negotiations because outside of that what else is there?

I guess what there is is the refinancing of these financial obligations not only from Poland but from the Soviet Union and other East Bloc nations as well. Do you have any thoughts about what our financial institutions should be doing in this regard? We're talking about $26 billion of indebtedness, and probably, it's much closer to bankruptcy at this point. Should we be financing the Jaruzelski regime, the Soviet manipulators, as you have described it, behind this regime?

Mr. **Rurarz**. Congressman, my answer would be the following. The inefficiency of the would-be socialist system is now that great that that system is really disintegrating. That system is indebted in the West in the amount of something like $80 billion altogether. Those billions are supposed to feed that very inefficient system.

I think nobody, really, should be interested in maintaining that system which brings that much bad to the people. To its own people, by the way. And to you. How many billions of dollars do you spend every year just to preserve the freedom elsewhere? Why should you be interested in feeding that system for long?

Don't forget, Congressman that the rioting in Poland started because of food problems. The food problem is, I believe, even more acute in the U.S.S.R. They are able to buy that food by exporting what the Earth has provided them with; namely, oil and natural gas in the future.

Otherwise, they are unable to produce anything which would be worth exporting.

Mr. RITTER. I think their weapons industry is where they have——

Mr. RURARZ. Yes; but still I believe that weaponry is not sold, rather it is given away to some of the nations who, unfortunately, have fallen victim to their penetration and so on. But that's that. If they really have something on stock it is the weaponry But there is not very much, I believe, selling of that weaponry for hard currency.

Mr. DOLE. Mr. Ambassador, as I understand it, prior to your leaving Japan, you indicated you might have been in some danger. Your release was quoted as saying that your principal deputy was armed, was that correct?

Mr. RURARZ. Well, there is a system, I believe, in all the embassies that the security officers are provided with arms. So that in case of establishing, let's say, any intentions of defecting, as the case was with me, they are obliged to prevent the act with any means at their disposal. So that this was the danger.

Mr. DOLE. Did you——

Mr. RURARZ. Now, Senator, you will excuse me, maybe, that if I would not go further on that.

Mr. DOLE. I certainly would.

Could I ask you—it's been stated over the weekend, I think by Secretary Haig, that perhaps martial law has not succeeded. Do you have any opinion on whether or not the puppet is succeeding with martial law in Poland?

Mr. RURARZ. I don't think the martial law will succeed. I don't think so. People were stunned at first. They would never forget that kind of a crackdown. If they want to look for first aid during the nighttime, there telephone is deaf. You have to go somewhere to the intersection to look for the army unit to radio for the emergency. But there is a curfew. Then how to return home? And so on and so on. These are the most abominable things. The theaters were closed. The schools were closed. They will never forgive all that.

We are a mature nation, Senator. If the Solidarity movement was that mature that it was not reaching out for some violence, although it could, at the very beginning it meant that we really had the chance of talking one to another. That chance was killed by the crackdown imposed by the state of war.

I don't think any genuine dialog will ever happen now. Or at least not with the people who are the would-be government. That's over, I believe.

Mr. **Dole**. I guess the next logical question would then be, if martial law is not succeeding, what do you anticipate will happen in Poland?

Mr. **Rurarz**. Well, that's the main dilemma. I would not exclude that then the Soviets could move in. Because you can, of course, build the pyramid with slave labor. But you cannot produce electronics and any other sophisticated goods. How can you control the people, whether they are efficient or not? Besides, our intelligensia, which is, I believe, among one of the most progressive you will ever know, will now never support anything short of total freedom.

There were many people from among the intelligensia who were the centrists I would say, who were not siding with Solidarity or with the government, believing that there is a possibility of finding the middle road. Now, after being detained, or after seeing all those gross violations of human rights, I don't think they would be sitting at the table and negotiating in earnest. Maybe just to buy time, to deceive somebody. Or maybe somebody just being a traitor would be trying to style himself as an intellectual, or something like that. But people would immediately recognize the gimmick.

Mr. **Dole**. So you're suggesting, then, that there is a possibility of direct Soviet intervention, if it does not succeed?

Mr. **Rurarz**. I am afraid that since the genuine negotiations between the opponents have been destroyed, although they have probably never been going honestly, I am very much afraid that once the force was used, now, the other side, I mean the people, will be also responding with force. That lies in the best Polish traditions. We are not easily forgetting the violence inflicted upon us.

Unfortunately, all that is happening now in Poland recalls much of the last wartime, when civil rights had been grossly violated. And the people are not, I must say, accidentally calling the charging policemen and special security forces "Gestapo, Gestapo."

People will start identifying them as alien forces. And they will be fighting them. Of course, this may come only with time. It is quite difficult in Poland to do that. But I am definitely sure it will come that way.

The Polish economic situation will be deteriorating. Thus there will be a growing base for social discontent.

Right now, the junta is providing the shops with some items which were stockpiled before. But these will be disposed of very soon. The new goods will not be coming on the shelves. And I am pretty sure that social discontent, which is very widespread, will be fueling the resistance. And since the forms of settling the problems have now been shown, the only logical answer could be that force should be answered with force.

Mr. **Dole**. Senator Leahy.

Mr. **Leahy**. Mr. Chairman. Even with the material that has been stockpiled, you don't see the possibility of the government supplying the food needs throughout the rest of the winter anyway do you, Mr. Ambassador?

Mr. **Rurarz**. Well, to the best of my knowledge, the import needs of only grains for the next year. The minimum level would be 6 million tons. Recently it was even more than 10 million tons. Six million. If that grain doesn't come, definitely the food shortages will be aggravated.

This is beyond any doubt. And not only that, not only. If there is not re-scheduling and no new credits forthcoming, the balance of payments is in such a catastrophic position that it would never close.

I think that on financial grounds Poland now could officially go bankrupt. I don't believe that the U.S.S.R. would be able to save Poland.

Mr. **Leahy**. So it's not an overstatement—let me start that again. It's an accurate statement, then, to say that Poland, without some kind of massive economic aid, and food aid, from outside of Poland, faces the very real danger both of bankruptcy, but also of almost unprecedented hunger conditions throughout its country. Is that correct?

Mr. **Rurarz**. That is absolutely correct, Senator.

Mr. **Leahy**. What—could I ask you this too, Mr. Ambassador?—what was the last information you had on the condition of Mr. Walesa?

Mr. **Rurarz**. Officially, the first time I was informed was that he is not detained. And afterward, officially, I was not receiving any word on that.

Mr. **Leahy**. Mr. Ambassador. Again I thank you very much for coming here. I will yield the rest of my time. But I just want to say, and I hope that everybody who is watching these hearings realizes in our country, of course, all of us are proud and happy to be Americans. And we want to live American. It's our country and for most of us the country of our birth, or we have moved here.

But I hope that everybody who is watching you and your fellow ambassador here in Washington realize the enormous sacrifice you and your families have made, coming from the town of Pionki—did I pronounce that correctly?

Mr. **Rurarz**. Yes.

Mr. **Leahy**. And obviously having a great love for your country, something that has come through here, a love for your country and for your people. We should not underemphasize at all the enormous sacrifice you've made in seeking asylum. I hope again that our country will respond generously and fully for that. We can never replace your own country and your own people. But there is admiration for you and for your family in this country. We welcome you here. Again, it's my fervent hope that someday your country will be well enough settled so that you will not have to have a lifetime sacrifice of self-imposed exile, but that someday you and your family will be able to freely return. Thank you, Mr. Ambassador.

Mr. **Rurarz**. I thank you very much. And believe me, Senator, that it is good that such a country as America really exists, because otherwise many people would have no place to go. And I believe that I have come here along with my family for not a long time.

I really hope to return to a free Poland and very soon. I was not seeking any wealth here, any easy life. After all, I was a privileged man in Poland, and I was quite wealthy. I prefer to lose everything what is material and preserve my soul.

Mr. **Dole**. Senator Hatch.

Mr. **Hatch**. Thank you, Mr. Chairman.

Mr. Ambassador, again I would like to cite another Convention of the International Labor Organization. I might add that I spent some time in Geneva this year meeting with the top officials there. There was a tremendous concern by the top ILO officials concerning Poland and the other Warsaw Pact nations. Because under ILO Convention 87 regarding freedom of association and protection to organize, it provides, among other things, for the rights of workers to establish organizations of their own choosing. That's found in article 2.

It was the understanding of everybody with whom I chatted with at the ILO, that the Soviet Union has been held in violation of this article by the ILO, as have other Warsaw Pact nations, including Poland. Do you feel that those violations existed prior to this time, and now have been extremely aggravated?

Mr. RURARZ. Yes. Well, I would say that excluding a brief period when the situation looked more promising, now I think everything is returning to the period where it exactly corresponds with your interpretation.

Mr. HATCH. I see.

We are very concerned. I have to be honest to tell you that our own country has filed to adopt and support some of these Conventions at the International Labor Organization. And, perhaps, we may be able to, in the coming years, to be more supportive of some of the Conventions that have allowed—at least the spirit that has allowed—the rising up of the Solidarity movement in Poland. Perhaps we can be of some help to you there.

Are there any other cables which you have received or of which you are aware which have additional information that might be interesting to all of the free nations of this world, and particularly our Nation?

Mr. RURARZ. Well, as I mentioned the idea of the state of war itself I may explain briefly. The Polish would-be constitution does not provide for the state of emergency. Because in a supposedly people's paradise people are not revolting and no state of emergency is necessary, therefore, the state of war was introduced, what is even much, much worse than any state of emergency. Because, afterall, this is a war. And a particular war by the government on the nation.

So this is something which has no parallel, I believe, elsewhere. And I was shocked the first time when I learned, sometime in March, if my memory is correct, probably at 3 a.m., on the 27th of March, or 28th, maybe, Tokyo time, when I received an urgent cable that the state of war could be introduced any minute. And according to special instructions I should proceed with certain procedures.

So I must say it was quite a shock for me, because of the possibility of a general strike, which, by the way, had good grounds to happen, that the authorities might ever think about declaring a state of war on the nation.

And, as I already mentioned, that cable was never invalidated. So this was something which for the first time appeared and which made me quite vigilant that something is in the offing. Then I lost the hope that there could be a peaceful solution of the Polish crisis.

When it comes to the other cables, I must say that I was very much astonished that, knowing the Polish situation, a difficult situation where people go hungry, that I have never been, I emphasize never, instructed to seek help with the government to which I was accredited.

Before leaving Tokyo, I told the Japanese that I cheated them. Because knowing that my country is hungry I asked the Japanese Government to sell us 20,000 tons of rice on concessional terms. And I told them that I was instructed by my government to do that. They agreed. Afterwards I had difficulty in convincing my government to accept the most advantageous conditions. Finally I succeeded. Even at the very last moment I had some complications. Nevertheless, it was like that. And people were hungry and at the same time I was not getting any instructions to alleviate that difficult situation.

I think many others were in the same position, more or less.

And I could say many more things. That sometimes I was getting the cables which were sounding to me like the hardliners were getting the upper hand in our affairs. And this was very disquieting. Now I see the results of that. This is very brief, of course, more details could be said on that.

Mr. HATCH. Thank you, Mr. Chairman.

Mr. DOLE. Congressman Ritter.

Mr. RITTER. Mr. Ambassador, I'd like to return to the subject of this massive pipeline project from the Soviet Union into Western Europe. It's called, as you know, the Yamal pipeline. And I've been noticing from your resume that your field is international trade, is it not? You are an international economist. That you have a Ph. D. from Poland's main school of planning and statistics.

Your assignment to Japan—one of the most diplomatic posts in the world, along with, I suppose, the Soviet Union, the United States, West Germany, Japan being the economic power that it is—I assume gave you particularly valuable insights into the area of this pipeline.

Do you feel that energy stability over and above the energy stability from the Middle Eastern oil on which Western Europe is dependent can be achieved through energy dependence on Soviet sources?

Mr. RURARZ. As long as the U.S.S.R. is what it is, and there is a lot of evidence that trade is considered there as a political instrument as well, and even mostly, I could cite the cancellation of contracts with Yugoslavia, for instance, after Yugoslavia defected, and then there were many complications with Albania. To my best knowledge, there was also pressure applied to us when it comes to the supplies of oil to Poland, and this even scared many of the people in the government that we should be nice to them because otherwise we could be denied this or that, and so on, and so on.

So that I can't imagine that in the case of Western Europe, where the case is even more political, that they could not reach out for that particular instrument. That is they could cutoff one day the supplies of natural gas.

Besides, we should not forget that that Yamal gas pipeline will be built on credit terms. They are not spending a penny.

Mr. **Ritter**. The Soviet Union is receiving extremely favorable credit terms.

Mr. **Rurarz**. Yes; extremely favorable. The gas deliveries will start after 1985, or maybe even 1986. So that there is nothing, I would say, urgent at this time.

I think that reasonable people should wait awhile, think over all that, and see how they would behave in Afghanistan, in Poland, and elsewhere. The U.S.S.R. is entering their years of change. This whole leadership is to go very soon. And who knows whether the other people will not be, the hardliners, even bigger than this leadership? And what then? Who knows then?

I must say that the Polish Communist Party has almost completely disintegrated and the military took over the actual ruling of the country. Who knows whether that pattern will be not repeated in the U.S.S.R. itself.

Mr. **Ritter**. Mr. Ambassador, we have heard that gas from Afghanistan is being funneled into the Soviet internal gas consumption system, and that part of the reason for occupying Afghanistan is the large amounts of natural gas that are being sent into the Soviet system. Would this, perhaps, indicate that the Soviets are essentially taking Afghan gas and then, with very favorable credit terms, selling it to West Germany, France, the Netherlands, and Western Europe?

Mr. **Rurarz**. I would not exclude reasoning of that kind. Of course, I don't have proof in my hand, but it sounds logical to me that it could be something of this sort. It could be.

Mr. **Ritter**. Thank you very much. I yield back the balance of my time, Mr. Chairman.

Mr. **Dole**. Thank you, Congressman Ritter.

And, Mr. Ambassador, I would ask that we include for the record a brief biographical sketch showing some of the important positions that you've held. Chief International Economic Organization's Ministry of Foreign Trade, starting in 1959, through the most recent assignment, Polish Ambassador to Japan.

[Ambassador Rurarz's biography follows:]

ZDZISLAW RURARZ

51 years old, born in small town of Pionki, near Warsaw. Has been an active member of the Party since World War II. Is a graduate of Poland's Main School of Planning and Statistics and has a PhD.

1959-1962 Chief, International Economic Organization Section, Ministry of Foreign Trade.

1962-1966 Commercial Attaché, Polish Embassy, Washington.

1966-1969 Adviser to the Minister of Foreign Trade.

1969-1971 Permanent Representative to GATT.

1971-1973 Economic adviser to the PZPR Central Committee.

1973-1976 Special adviser to General Secretary of Theun Conference on Trade and Development.

1976-1980 Chief economic adviser to the Minister of Foreign Affairs and scientific worker at Warsaw's Main School of Planning and Statistics.

1980-1981 Polish Ambassador to Japan.

Mr. **Dole**. And, again, I assume you may have had a chance to have seen Time magazine. Another one of your patriots has done an outstanding job and been named man of the year, Mr. Walesa. I should think that you and Ambassador Spasowski also deserve honorable mention, as indicated previously by Senator Leahy.

Have you had a chance to communicate with Ambassador Spasowski?

Mr. **Rurarz**. Yes; I saw him briefly. Yes. And, of course, I communicate with him. I was very much under the impression by him. He is really a senior Polish diplomat. And if he has decided to do that, I think he even may be more dramatically demonstrating to the world what he thinks about all that. Because, after all, he has been staying with the foreign service much longer than I did.

But, very frankly, I was very much influenced by his step. But I would have done my step independently on that. I made up my mind before I learned what he had done. I had enough, really.

Mr. **Dole**. Do you believe that, if it's fair to ask the question, the example you have set, Ambassador Spasowski has set, may bring about further defections? That's been——

Mr. **Rurarz**. This is hard to answer. Any speculation on that could maybe be harmful to those people who think about that.

Mr. **Dole**. That's why—I think you're correct.

Is there any thing else that you would like to say to members of the Commission, anything you want to indicate to the American people, or to the Polish people?

I appreciate very much your giving us your time. If there's anything you feel that you want to raise, now would be the time to do it.

Mr. **Rurarz**. Yes, Senator. I think that, depending on the development of the Polish situation, and I think that there is a great deal of certainty that that situation will be deteriorating, although periodically the impression may run to the contrary. That if we have anything like that, I mean military regime, even if after some time it will start claiming that everything return to normal, that it is a civilian government, but we already have the experience that it can be changed almost within an hour into a military junta, if that government stays in power, which is an illegal power, we, the Poles, in Poland and outside of Poland have the right to establish our own representation, our own organization to fight for the freedom of Poland.

And if the time comes, I would like to have the understanding of the American people. We have the right to be free.

Mr. **Dole**. On that statement, Mr. Ambassador, I think we will end the questioning. Certainly you and your wife and daughter are welcome to stay. We have a number of outstanding witnesses. You'll be followed by Ambassador Kampelman, if you care to stay; if not we understand.

Thank you very much.

Mr. **Rurarz**. Thank you.

Mr. **Dole**. I might say as a brief introductory remark all of us on the Commission know—in fact, many of us have known—Mr. Kampelman longer than he's known us. So we're very proud to have you here this morning.

Ambassador Max Kampelman has been the U.S. Ambassador to the CSCE followup conference in Madrid since it reconvened on January 27, 1981. After recessing on December 18, the Helsinki signatories have agreed to reconvene on February 9, 1982.

Mr. Ambassador, I understand that you have no prepared text. We are certainly pleased to hear your comments. And, perhaps, based on the outstanding testimony we've just had, you may wish to make comments on that.

Mr. **LEAHY**. Mr. Chairman, if I could for just 1 minute. I just want to explain to Ambassador Kampelman, whom I admire greatly, that at some point during his testimony I'm going to have to leave. I won't even try to plead great matters of state, but rather a matter of family that has been pledged for months and months.

I will state, though, for the record, that the reports that you send back from Madrid—to me as one of the Commissioners—have been extremely important. They have been very, very helpful. I have circulated them around among members of my staff. I have sent copies of them to a number of people that I rely on in Vermont for their views in these matters. And you are widely read both in Vermont and in my office. Please keep them coming. They are extremely helpful, especially to those of us who have only had a couple of opportunities to actually be in the meetings.

REMARKS OF MAX KAMPELMAN, CHAIRMAN, U.S. DELEGATION TO THE CSCE REVIEW MEETING IN MADRID

Mr. **KAMPELMAN**. Thank you, Mr. Chairman. May I also thank you, Senator Leahy. As a matter of fact, I once lived in Vermont. I taught at Bennington College, so I'm pleased to hear that our Madrid activities are being circulated in that fine State.

Mr. **LEAHY**. Thank you.

Mr. **KAMPELMAN**. I do have some notes, Mr. Chairman, I will refer to those notes.

I commend the Commission for holding these hearings on the Polish crisis as it affects the Helsinki Final Act.

I'm conscious that one should try to avoid hyperbole, but I believe the current crisis is the most serious that we have faced since the end of the Second World War. It will have an incalculable effect on East-West relations; and it's putting the Atlantic Alliance to an important test. The effect of these developments on American public opinion and public policy will be profound.

It is not within my mandate this morning to discuss with you the broader questions of public policy inherent in the tragic events that began in Poland on December 13. My task, rather, is to relate these developments to the Helsinki Final Act and to the Madrid Follow-up Conference on Security and Cooperation in Europe [CSCE] which I have been attending for the past 15 months.

It's impressive at the outset to note the central role that the Helsinki Final Act assumes in both public and private discussions of Polish developments. During President Reagan's Christmas address to the Nation last Wednesday night, he pointed on two separate occasions to the reality that provisions of the Helsinki accords, to which both Poland and the Soviet Union are signatories, are being violated in Poland.

"The Polish government," he said, "has trampled underfoot solid commitments to the U.N. Charter and the Helsinki accords." And then, after emphasizing the major responsibility of the Soviet Union for the repression in Poland, the President told us he had urged President Brezhnev "to permit the restoration of basic human rights in Poland provided for in the Helsinki Final Act."

It was perhaps unnecessary for the President to say, because the world knows that the Soviet Union itself as our delegation has repeatedly and thoroughly documented, has blatantly disregarded and has with disdain defied its own commitments to the Helsinki agreement.

On that same day, as the President spoke, 10 members of the European Community issued a strong statement pointing out that "the current repression in Poland constitutes a clear violation of the fundamental principles" of the Helsinki Final Act. Other heads of government and public interest groups have similarly dramatized Polish developments in terms of Helsinki Final Act violations.

It's clear from all of this that the Helsinki Final Act has established a high standard for performance against which the civilized world can and must measure the performance of states.

I'm convinced, Mr. Chairman, that our activities in Madrid during the last 15 months, characterized by a united Western and Alliance message through many languages but speaking out in one voice for the conscience of civilization have helped heighten the consciousness and sensitivity, and thus provide the framework for the universal condemnation which is continuing to evolve.

Now, Mr. Chairman, for a more direct report to you. Two weeks ago today, on the day following the declaration of martial law by the military forces of Poland, I was urgently asked by the head of the Polish delegation to our Madrid conference to meet with him that morning.

He said he had been instructed by his government to give me a message. It included the following ingredients: One, that martial law had been declared the previous day in his country because there was no other way under the Polish constitution for a state of emergency to be declared.

Two, that its purpose was to achieve internal stability and avoid more serious and undesirable consequences.

Three, that there would be no change in Poland's foreign policy.

Four, that there would be no change in his country's policies at the Madrid CSCE meeting and that the determination to preserve the Helsinki process and arrive at a satisfactory agreement remained.

Five, that Poland would maintain the democratic reforms achieved during the past year and a half and that there would be no retreat to the earlier period.

Six, that all prisoners and all those awaiting trial would be pardoned if they would sign statements agreeing to comply with Polish law.

Seven, that the restrictions of citizen rights under martial law will be partial and temporary.

Eight, that negotiations with Solidarity leader Walesa and the church were imminent in order to help restore stability.

And, nine, that the following day, Tuesday, December 15, at the previously scheduled informal meeting of the heads of delegation, he would speak along the lines of the message he had just given me; and he hoped his remarks would not start a debate and that a reaction by me would undoubtedly produce a response by the other side and that would, in turn, produce a premature and unconstructive debate.

I informed my Polish colleague that I would immediately forward his message to Washington and to my Western colleagues at a caucus later in the day. I expressed my personal condolences to the Polish people: the hope that martial law would indeed only be temporary: that the reforms would be maintained: and that negotiations toward a peaceful resolution of the Polish problems would produce results.

On that Monday and Tuesday, my own comments on the Polish crisis were limited to press interviews.

On Wednesday, December 16, I was joined by the West German and British delegations in supporting a French declaration at our plenary meeting expressing growing concern about the reports emanating out of Poland.

I was correctly reported by the press as saying during those few days that if martial law continued, and given the apparent threat of the use of Soviet force, which we had previously over recent months condemned at our formal plenary sessions, there would be an inevitable adverse effect on our meeting and on the Helsinki process.

In the meantime, cables and news reports began to disclose the worst. On Wednesday afternoon, December 16, I phoned Washington and made two proposals. I said I believed it was necessary for the American delegation, at our next and last scheduled plenary session prior to the Christmas recess, to include strong references to the deteriorated Polish situation.

My suggestion met with immediate approval and the news that the President was considering a public statement the next day. I was advised I would receive the text of the President's statement as soon as it was ready, together with guidelines that were being developed in Washington that might be helpful to me.

The second proposal that I made was a procedural one which I intended to raise with my NATO colleagues that evening and which would require support from their authorities. Here, too, I was urged to proceed as I had proposed. My purpose was to keep the Madrid meeting available for continuous session during the crisis in spite of the Christmas recess.

I pointed out to my Western colleagues that the Helsinki Final Act was a powerful symbol to our Polish friends. A year and a half earlier, among the first 21 of the demands of the Solidarity organizing group was one that the Helsinki Final Act be prominently printed in the Polish press. This was done.

We did not as yet have enough information about developments in Poland, but we knew that Walesa and other Solidarity leaders were under arrest.

It would be most unfortunate, I pointed out, were they to learn that in the midst of their travail we had recessed for a Christmas holiday. Furthermore, we might wish to hold the meeting in session to make an agreed-upon demonstration of Western outrage and condemnation.

Once we recessed until a certain date, however—and there was a strong feeling among the neutral States that the recess should last for a number of months—there was no way at all to arrange an earlier meeting.

My proposal, therefore, was that we end our sessions on December 18 as earlier proposed, but that we agree to hold continual proforma weekly meetings which only one delegate from each State need attend. No business would be transacted at these weekly meetings other than a convening and adjournment, unless any particular State served notice at such a meeting that at the next meeting its head would be present for the purpose of transacting business or making serious statements.

This would provide the necessary warning so that other heads would then have notice to be present. And a forum would thus be available.

Members of the Commission will want to know that your Staff Director, Mr. Oliver, deputy chairman of our delegation, volunteered to remain in Europe to be present at the pro-forma sessions.

The proposal served to heighten the consciousness of our NATO colleagues to the fact that our Government took the Polish developments seriously and with great concern. There was support for that approach, but also some reluctance.

We all, of course, understood that a proposal such as ours required Soviet approval since no decisions were made in Madrid without consensus; and it was anticipated that the approval would not be forthcoming. Nevertheless, it was agreed to probe informally overnight with other States and capitals to see what might be done.

The next morning, I informed my colleagues that I would include a strong reference about Poland in my final statement on Friday. Our subsequent discussion led to the regrettable conclusion that we would be unable to achieve consensus on our procedural proposal to keep our meeting in continuous session. It was decided, therefore, to begin negotiating for a briefer recess than was being proposed by the neutrals. The February 9 date was the result of that negotiation.

It was also understood among us that during our last day, Friday, December 18, we would make an effort to permeate the discussion with Poland. Every Western delegate who spoke that day expressed his government's deep concern over violations of the act taking place. We were joined by three of the four neutral States.

It's fitting here for me to read some excerpts from the American statement delivered on that day:

> I began these comments, Mr. Chairman, by reminding you that our meeting has not and cannot ignore the realities of the world that surrounds us. I return to that.
>
> A few days ago the distinguished chairman of the Polish delegation reminded us of one of the harshest of those realities which has hung over these meetings like a dark cloud during all of the period of our sessions together. We cannot isolate ourselves from recent events that have saddened us all as we see the suffering of the Polish people. My country has a particularly close attachment to the people of Poland. Many of our citizens have their early roots there. There is a historic interrelationship between our countries and our peoples.
>
> It is in the spirit of that feeling of community that the United States expects all CSCE signatory states to adhere to the principles of non-intervention and non-use of force, and the non-use of the threat of force, so that Poland, that proud country, may strive successfully to resolve its problems and decide upon its destiny without further violence and bloodshed. The use of violence will not solve the problems of the Polish people or of how they should govern themselves.
>
> Within this forum of the Helsinki process, our delegation feels obligated to recall how moved we and the American people have been by the developments in Poland during the past 16 months. We have seen in that country a growing respect for

human rights and fundamental freedoms. Poland has been a living demonstration for the world of the vitality of the process launched at Helsinki which is embodied at this meeting today.

Our regret at recent developments is, therefore, a profound one. Arbitrary detentions; interference with the free flow of information, ideas, and people; the wholesale repression of civil liberties; the imposition of military control at the workplace; the use of violence against Polish workers; and the attempt to stifle and possibly destroy Solidarity, the legitimate expression of the yearning of Polish working men and women for dignity—all these represent gross violations of the Final Act.

We note these developments with sadness.

We would deplore any reversal of the movement of the Polish people toward a more open and just society. That would inevitably damage the vital process launched by the Final Act and would be a tragedy for the people of Poland.

Yesterday, President Reagan said that it is difficult to believe that these acts of aggression against the Polish people could have happened without the full knowledge and support of the Soviet Union. Noting the "sharp reversal of the movement toward a freer society", he said: "Coercion and violation of human rights on a massive scale have taken the place of negotiation and compromise. All of this is in gross violation of the Helsinki Pact . . . We view the current situation in Poland in the gravest of terms . . . We call upon all the free people to join in urging the government of Poland to reestablish conditions that will make constructive negotiations and compromise possible."

I remind this body of the obligation assumed by all of us to refrain from the threat or use of force; and of the pledge of non-intervention in the internal affairs of other states. The Polish people have the right, under the Act, "in full freedom, to determine, when and as they will, their political status." They have the right to pursue their political, economic, social and cultural development." This is their right, "without external interference."

The Government of Poland has been well represented here in Madrid by able professionals. I trust that they will communicate to the 36 million men, women, and children who live in Poland the warm feeling of compassion, friendship, and support for them that is universally held by the American people. We are proud of the spirit and courage of the Polish people in their aspiration for freedom.

I conclude, Mr. Chairman, with the fervent wish of the American delegation and the American government that this meeting will be able to reconvene on February 9 with the determination to strengthen the Helsinki Final Act and resume the patient work for peace. It is our devout wish that we will be able to meet again encouraged by a message from the Polish delegation proudly informing us that the people of Poland are once again on the way toward solving their problems constructively, within the spirit of the Helsinki Final Act, without violence, and without any outside interference, force, or threat of force. The confidence of all our peoples in the Helsinki process will be, I am convinced, very much affected by these developments.

In response, the Polish delegate stated it was economic assistance and not advice or international debate that his country required.

The Soviet response was quite mild, accusing the West of interfering in Poland's internal affairs.

Mr. Chairman, it was my intent to stop with my testimony at this point. I've been informed, however, that the Commission would like me to comment further about what we ought to be planning in connection with our continuing role, if any, in Madrid and in the Helsinki process.

At the outset, let me note that to the best of my knowledge this question has not yet been decided upon by the President or the Secretary of State. It is under active review, and I will be making my recommendations in a day or two. What I say to you this morning, therefore, is certainly not Government policy and indeed may not be my final thought on the subject.

Ultimately, of course, what we decide to do will depend on the developments that take place between now and February 9. It is my firm belief that we must not return to Madrid and proceed with our negotiations there as if the Helsinki Final Act remains a viable international instrument. We next make unmistakably clear that the accords have been seriously damaged by recent developments in Poland, by the continued Soviet threats against Poland, and by the endless and persistent violations of the Helsinki Final Act.

To return to our meeting and convey that we are prepared to negotiate "as usual" and to do "business as usual" would be a disservice to our ideals and would produce a cynicism which could be fatal to rational international discourse and to the act itself.

One alternative that has been suggested is for us to proclaim that the continued blatant violations of the Helsinki Final Act by the Soviet Union and now in Poland make that agreement no longer operative in any of its respects. In that connection, it has been suggested that we not return to Madrid. This would be a drastic response by us. It would, in my opinion, be strongly opposed by our allies who wish very much to preserve the agreement for a more propitious moment in Europe's history.

The drastic nature of the remedy does not disturb me. What must be considered is whether it is in our best interest to proclaim the death of the act and whether there might not be other alternatives whose impact would be as decisive without inflicting the same damage to the act's availability as a tool in the future and as a standard for civilized international behavior.

Our task, Mr. Chairman, is to make a decisive gesture of concern and contempt and condemnation of the pattern of disregard for the standards of civilized behavior symbolized by the Helsinki Final Act. More than rhetoric is called for. And yet the task is to act responsibly so as to make certain that the standards of human dignity, the human dimension, are maintained and remain of paramount importance in our view as to how relations between states are to take place.

That, Mr. Chairman, is our task as we consider our policy in the days ahead. Those standards, Mr. Chairman, will guide my recommendations.

Thank you, Mr. Chairman.

Mr. DOLE. Thank you, Ambassador Kampelman.

In fact, I was prepared to ask you that question. And you have answered it very well.

I would ask that it be made a part of the record, following the notes that you've now referred to, your statement made on December 18, 1981, in Madrid, which summarizes some of the violations of human rights that are taking place because of the imposition of martial law.

And I would also suggest that we add to that summary, because the martial law provisions are in flagrant violation of human rights in Basket III provisions, including the suspension of basic civil rights, the ban on holding 11 kinds of gatherings, processions, demonstrations, the imposition of criminal penalties, including arrest, detention, and summary trial, the introduction of forced labor referred to by Senator Hatch, state censorship, limitation of movement, the virtual halting of all traffic of citizens who want to leave Poland.

I guess that it goes without saying that many of these restrictions are everyday events in the Soviet Union. But as far as Poland is concerned, the imposition of martial law reinstituted those provisions.

Frankly, Mr. Kampelman and Mr. Ambassador, you have answered the question that I had in mind as to whether or not we ought to go back at all. Is there anything meaningful that can be accomplished in view of the Soviet complicity in the repressive actions now underway in Poland? And what conceivable good does it do to negotiate with the Soviet Union? And I think you've addressed that rather fully.

I think just for the record, and for those who may not be as familiar with the Final Act as those of us on the Commission, Poland is a signatory nation. Is that correct?

Mr. KAMPELMAN. It's one of the 35, as is the Soviet Union.

Mr. DOLE. Right. So we're talking about an act that directly affects both countries, that they were participants in, signatories to, and agreed to uphold provisions thereof. And without a doubt there have been gross violations.

I want to again compliment you on your representation of our country and our Government, and your willingness and Mr. Oliver's willingness to make certain that we didn't have any gaps, that we stayed there during the recess, even though it didn't turn out that way.

Senator Hatch.

Mr. HATCH. Max, I'm happy to welcome you to these hearings. I find your account of the remarks from your Polish counterpart, Ambassador Spasowski, on December 15 to be bitterly ironic. Because he stated that martial law was necessary in order to maintain legal order.

Were you aware that martial law was imposed just prior to the Polish parliamentary consideration of labor laws, which the International Labor Organization's General Secretary, Blanchard, helped draft, which would have made Poland the first Warsaw Pact country to comply with ILO standards? Were you aware of that?

Mr. KAMPELMAN. I was aware of that.

As a matter of fact, I was interested very much in your line of questioning earlier this morning in connection with the ILO provisions, because I think, too frequently, those ILO provisions, and those ILO conventions are being ignored, and, yet, they're very important.

And as you know, our own delegation in Madrid documented the Soviet violations of the ILO accords. At one point, for example, the Soviet delegate started attacking the United States for unemployment. And my immediate response to him was to refer to documented ILO conclusions that their system, which technically may be free of unemployment had forced labor, a form of slavery in violation of the ILO conventions.

I think that it is extremely important that we nail these conventions down to the behavior pattern that we find in Eastern Europe.

Mr. HATCH. Well, while Ambassador Spasowski mentioned retaining reforms, did he mention the possibility of any future reforms at that time?

Mr. KAMPELMAN. He did not.

I don't like to personalize this situation, but it is my impression, without in any way embarrassing any individual involved, that the developments in Poland were terribly disturbing to every Pole, and, obviously, to Polish delegates and diplomats as well.

Mr. HATCH. You have often spoken of the Soviet interest and use of the CSCE as a followup vehicle for further group discussions on European security and disarmament. What, in your opinion, is the future of CSCE followup discussions on European security and disarmament?

Mr. KAMPELMAN. That ties in, Senator, with the basic question of the future of the follow-up meeting and the future of the Helsinki Final Act, given the fact of these blatant violations of the Act by the Soviet Union and those who must follow the dictates of the Soviet Union.

Mr. HATCH. You have eloquently spoken about that.

Mr. KAMPELMAN. Yes; but I don't mind repeating the fact that I, for one, believe that we have used the past 15 months to portray these violations. And to that extent, it's been effective for the West.

I do tend to feel that if we continue along the same lines in future weeks and months, we run the risk of negating that which we have been attempting to do here. And I would not be in favor of our continuing to negotiate in the security area, for example, and within the Helsinki Final Act process, and within the Basket II, and within Basket III, and in the Principle's area as if nothing ever happened.

I really feel that it is essential for us, at this stage of the game, to just put the brakes on. And I hope we can do so constructively without killing the Act. And that's my task, frankly, and what I will attempt to do in my recommendations.

Mr. HATCH. Did you perceive at that time any change in Soviet or Eastern Bloc negotiating strategy just prior to December 14?

Mr. KAMPELMAN. What I did perceive, prior to December 14, was a sense of urgency on the part of the Soviet delegation to complete our meeting. We were getting those signals constantly.

And, obviously, when that happens, you begin to ask yourself why. It may very well be, we can't answer that question, that it was in anticipation of the martial law declaration and the hopes that our meeting would be over by then.

Mr. HATCH. It certainly looks like it, doesn't it?

Mr. KAMPELMAN. Yes; but fortunately the requirements we had for a satisfactory agreement, which we would not relent from, were requirements that they could not provide us.

Mr. DOLE. Congressman Ritter.

Mr. RITTER. Thank you, Mr. Chairman.

It's a pleasure to welcome you today, Max. And let me say that all of us feel that you have done an outstanding job as the U.S. Ambassador to the Madrid talks. You never cease to amaze us with your thoroughness, your attention to detail, and your basic understanding.

You know, I don't want to wax poetic about this, but I think you've done an outstanding job. And we're all very grateful to you.

You mentioned the death of Helsinki. Is that an unspeakable thing to talk about? Is it the kind of thing which, perhaps, sprouts benefits on our side and benefits on their side, and at some point the very raison d'etre, the very reason to be for that agreement, which is, from their point of view, the redrawing, the formalizing, the making official of the post-World War II boundaries in Eastern Europe? It's somehow what they supposedly gave for that has not been given, and, therefore, those boundaries, that they tried so hard to win should be declared null and void, and put an end to our second and third order effects that we mobilize so much energy toward, but we get so little effect from.

Mr. KAMPELMAN. That's a profound question, and one that we're all, obviously, giving serious thought to.

But I think what we must understand is this: that the post-World War II boundaries of the Soviet Union were also very firmly established by the German treaties, which are not affected by this at all. And our renunciation, for example, should we consider it a desirable thing to do, and I do not, as you can tell from my testimony, believe that to be the case, as of now, our renunciation of it would not have any impact on that treaty.

And I'm not at all certain in my mind how damaging to them that would be looked upon by the Soviet Union.

What I see here is an instrumentality which we have turned into our instrumentality during the last couple of years. It sets an important standard by which one judges participating states. It's a standard in our interests. And I hesitate very much to proclaim its death and to sign its death certificate while we can use it as our instrumentality.

And so the task is to keep it alive as an instrumentality and as a vehicle, at the same time as we find the political statement more than rhetoric condemning them for their violations and defiance of the Act.

Mr. RITTER. Yes; but when you mention this firm expression, and I quote you, "of concern, contempt, and condemnation, but we need to find teeth to those activities," do you find any teeth in the possibility of combined and cooperative trade and financial credit restriction among our Western allies?

Mr. KAMPELMAN. Congressman Ritter, there is, at the moment, no coordination or fully agreed upon policy in the Atlantic Alliance with respect to this question of trade with the Soviet Union. To that extent, we know that it infringes upon our own mobility in the minds of many to exercise what we otherwise might exercise in the way of sanctions.

I think one of our great tasks, one of our great tasks, is to try and formulate this Atlantic Alliance position.

But I would like, Mr. Chairman, with your permission, to make a statement about that. I am a supporter of the Atlantic Alliance. My experience in Madrid has even strengthened my feelings of its importance to us. But the great declarations of American foreign policy, in the past, have not been declarations that we have made after consulting with our allies. We have made those declarations, whether it's the Marshall Plan or the Greek-Turkish Doctrine, we have made those declarations because they express that which is deep in the American creed and the American best interests. And then we have gone to our allies and said, now, we ask you to follow us.

I think we have come to the point where it is essential for the United States to exercise greater leadership. And we can do so without in any way undermining—I think we might thereby be strengthening the Atlantic Alliance.

Mr. **Ritter**. Just one response to Ambassador Kampelman's comments, Mr. Chairman, if I might.

But didn't the United States try very hard to negotiate some other solution than the construction of the Yamal pipeline from the Soviet Union with our West European allies. And wasn't the final business deal closed almost on the eve of the great night of darkness in Poland?

Is there something that our European allies, perhaps, are neglecting in this regard?

Mr. **Kampelman**. My perception clearly is shared. I share your perception that it is not in the best interests of Western Europe to engage in its present intense momentum of trade with the Soviet Union.

They are, however, sovereign states. We are, I would believe, although this is not an area of my competence, exercising leverage on them. I would hope so. Persuasion is vital.

I think that there is, perhaps, more that can be done. It's my hope that the President is planning on doing more. And there's every indication that that's indeed the case.

I'm not prepared to say that because they differ with us that we must change our position. That's the point. If they differ with us, and we think they're wrong, we still have to assert our position, at the same time that we try to persuade them that they're wrong.

And, to repeat what I said a moment ago, I think we must continue to maintain our standards and to exercise our judgment, and express what is in our best interests without necessarily waiting for consensus.

One of the things we have to worry about with the Atlantic Alliance is that there is a tendency to end up sometimes at the lowest common denominator in a common response. And we have to be careful about that. I believe the administration fully understands this.

Mr. **Dole**. Thank you, Mr. Ambassador. We appreciate very much your willingness to come this morning. And we will, obviously keep in close touch with you as we prepare for the next meeting if, in fact, there is a next meeting. Thank you.

Mr. **Kampelman**. Thank you, Mr. Chairman.

[Material submitted for the record by Ambassador Kampelman follows:]

Statement by
Max M. Kampelman
Chairman, U.S. Delegation
Plenary Session, CSCE

Madrid December 18, 1981

Mr. Chairman:

We began our deliberations in Madrid more than fifteen months ago. The agenda of our concerns during all of that period has been extensive. In its essentials it has reflected our national interests and our respective systems of values.

But we were always deeply conscious of the world around us.

Today we recess. We do so in the hope that we are significantly close to agreement on the text of a final concluding document.

Now, too, however, we must continue to be conscious of the world around us.

I need not repeat the detailed themes that have been struck by our delegation in the course of its interventions at these meetings. Our purpose today, rather, is to assert our intense conviction that the pursuit of peace and liberty is the only goal consistent with the survival of our civilization.

Nothing would suit us more than to be able to acknowledge that the goals of the Helsinki Final Act are being pursued with diligence by all of us. That, however, is regrettably not our perception of the reality. We thus speak our convictions, just as others have spoken theirs, so that these exchanges can help us all understand that the goal of peace requires us to be guided by the provisions of the Helsinki Final Act.

Peace is not just the absence of war, vital as that is. It requires a structure of confidence and cooperation. The Helsinki Final Act effectively sets out the essential ingredients of those requirements.

It is axiomatic that structures built through great and lengthy effort can be destroyed in a moment. Europe was torn apart by war. Much of what was arising from the ground to form the foundations of a new community of interest, through the United Nations, was then torn apart by the Cold War. These scars are not easily healed. The Conference on Security and Cooperation was designed to stimulate the healing process. But the invasion of Afghanistan and the growing and blatant disregard for the rights of human beings serve again to undermine that which we were beginning to rebuild.

We must continue our efforts. Helsinki, Geneva, Belgrade, Madrid--these are but steps on a long road. The problems that divide us are real and numerous. We meet in Madrid to deal with some of those problems. We trust our efforts will produce agreement. By the nature of things, however, we all understand that even with such agreement we will still be nearer to the beginning than to the end of our pursuit of peace.

Even as we meet in Madrid, however, to renew our search for understanding, recent events in Poland again pull us back. We pray that they will not interfere with our task here. That task is to preserve and strengthen the structure of the Helsinki process; and that requires observance of the spirit and the letter of the Act.

The human dimension language of the Final Act is eloquent in its significance. We advance new proposals to raise our standards and to preserve the balance so essential for the integrity of the accord. There can be, however, no greater contribution to our process than to see the provisions already agreed upon implemented properly, seriously and conscientiously. Implementation of commitments previously made is of far greater significance than the adoption of new commitments.

As for the questions of military security that we face, the conference on confidence building measures that we propose to minimize the risk of surprise military attack is part of an evolving process to encourage openness and knowledge of one another's military activities. In that way, we can strengthen our sense of security and bring ourselves closer to peace.

Most of us in this body, Mr. Chairman, believe in the notion that men and women have the right to express opinions on the laws that govern them, on the practices of their governments, and to make the decisions on the composition of their governments. We know that in too many parts of the world this idea is still being looked upon as an incredibly radical one. It is an unacceptable idea for many, because it threatens the power of those who hold the reins of government in their hands.

The essence of this idea, which is democracy, is that the individual is the unit of action best able to judge his own interests. The stimulation of individual freedom and initiative is the way of achieving the greatest good for the greatest number. We seek these individual freedoms, and we protect speech, assembly and the press from the powers of government as best we can, because we know that these are prerequisites of democracy. We believe that the powers of those who rule must have decided limits to them.

We know that there are societies represented in this body who do not share those ideas. They would look, rather, upon "classes," or "forces," or other collectives as the units of historic action and governing power. They believe that we are all part of an inevitable historic movement toward a predetermined end which is beyond human control. They assert that individuals, groups, societies, who challenge that process cannot stand in the way of the historic process in which they believe.

In my own country and in the other countries which share our belief in democracy, the reality, on occasion, falls short of our ideals. This is a disappointment to us. It is a disappointment, however, only because we have hopes and aspirations that we are still striving for. The disappointment is a measure of our commitment to the realization of our goals.

For my own country, Mr. Chairman, I have no apologies to make for our standard of living, for our standard of human rights, and for our standard of industrial and agricultural production to meet the needs of our people. Whereas men and women in some other societies clamor to escape from them, we find many hundreds of thousands of men and women seeking to enter our shores and become Americans. In 1977, six hundred thousand such people joined us. In 1978, it was four hundred thousand. In 1980 and 1981 the figures are substantially larger. This practical expression of support provides us with an assurance that our course is the right one; and we rededicate ourselves to its realization.

The big challenge which we all face is how to harmonize these different perceptions of the nature of man and society so that we can learn to live in peace with one another. We cannot do this by ignoring the differences. We must discuss them and understand them.

We tried "detente"; and during that period there was a tendency to assume that since we sought harmony, we should be blind to the sources of discord that continued to function and to eat away at our understanding. For my country, that limitation on our vision has been lifted. We now know that "detente" in the Soviet Union has in no way dissuaded it from policies of ideological confrontation and military aggression, without regard to the standard of peaceful coexistence.

We, on the other hand, are called "confrontational" and "imperialistic" and are blamed for "returning to the spirit of the Cold War" when we present our values and assert our positions. It ill behooves those who have used--and continue to use--force and the threat of force against their neighbors to lecture us on the policy of peace.

"Detente" remains an objective of my government's policy, but it first requires an agreement as to its meaning and a joint commitment to its realization.

I began these comments, Mr. Chairman, by reminding you that our meeting has not and cannot ignore the realities of the world that surrounds us. I return to that.

A few days ago the distinguished chairman of the Polish delegation reminded us of one of the harshest of those realities which has hung over these meetings like a dark cloud during all of the period of our sessions together. We cannot isolate ourselves from recent events that have saddened us all as we see the suffering of the Polish people. My country has a particularly close attachment to the people of Poland. Many of our citizens have their early roots there. There is a historic interrelationship between our countries and our peoples.

It is in the spirit of that feeling of community that the United States expects all CSCE signatory states to adhere to the principles of non-intervention and non-use of force, and of non-use of the threat of force, so that Poland, that proud country, may strive successfully to resolve its problems and decide upon its destiny without further violence and bloodshed. The use of violence will not solve the problems of the Polish people or of how they should govern themselves.

Within this forum of the Helsinki process, our delegation feels obliged to recall how moved we and the American people have been by the developments in Poland during the past sixteen months. We have seen in that country a growing respect for human rights and fundamental freedoms. Poland has been a living demonstration for the world of the vitality of the process launched at Helsinki which is embodied at this meeting today.

Our regret at recent developments is, therefore, a profound one. Arbitrary detentions; interference with the free flow of information, ideas and people; the wholesale repression of civil liberties; the imposition of military control at the workplace; the use of violence against Polish workers; and the attempt to stifle and possibly destroy Solidarity, the legitimate expression of the yearning of Polish working men and women for dignity--all these represent gross violations of the Final Act.

We note these developments with sadness.

We would deplore any reversal of the movement of the Polish people towards a more open and just society. That would inevitably damage the vital process launched by the Final Act and would be a tragedy for the people of Poland.

Yesterday, President Reagan said that it is difficult to believe that these acts of aggression against the Polish people could have happened without the full knowledge and support of the Soviet Union. Noting the "sharp reversal of the movement toward a freer society", he said: "Coercion and violation of human rights on a massive scale have taken the place of negotiation and compromise. All of this is in gross violation of the Helsinki Pact...We view the current situation in Poland in the gravest of terms...We call upon all the free people to join in urging the government of Poland to reestablish conditions that will make constructive negotiations and compromise possible."

I remind this body of the obligation assumed by all of us to refrain from the threat or use of force; and of the pledge of non-intervention in the internal affairs of other states. The Polish people have the right, under the Act, "in full freedom, to determine, when and as they will, their political status." They have the right "to pursue their political, economic, social and cultural development." This is their right, "without external interference."

The Government of Poland has been well represented here in Madrid by able professionals. I trust that they will communicate to the thirty-six million men, women and children who live in Poland the warm feeling of compassion, friendship and support for them that is universally held by the American people. We are proud of the spirit and courage of the Polish people in their aspiration for freedom.

I conclude, Mr. Chairman, with the fervent wish of the American delegation and the American government that this meeting will be able to reconvene on February 9 with the determination to strengthen the Helsinki Final Act and resume the patient work for peace. It is our devout wish that we will be able to meet again encouraged by a message from the Polish delegation proudly informing us that the people of Poland are once again on the way toward solving their problems constructively, within the spirit of the Helsinki Final Act, without violence, and without any outside interference, force, or threat of force. The confidence of all our peoples in the Helsinki process will be, I am convinced, very much affected by these developments.

Thank you, Mr. Chairman.

Mr. **Dole**. I'd like to call now Mr. Stanislaw Baranczak, the founder of KOR, the Committee for the Defense of Workers, established in September 1976. A Solidarity activist, he is currently a visiting professor of literature at Harvard University. Professor Baranczak left Poland in March 1981. He has remained in close contact with Poland since that time.

I might say that Ambassador Rurarz has agreed to stay for a few more minutes and we appreciate that very much. I thought you might want to hear what Professor Baranczak had to say.

STATEMENT OF STANISLAW BARANCZAK, FOUNDER OF KOR, THE COMMITTEE FOR THE DEFENSE OF WORKERS

Mr. **Baranczak**. My name is Stanislaw Baranczak. I was born in 1946 in Poznan, Poland. Since last March I have been living in Cambridge, Mass., and teaching at Harvard University as an associate professor of Slavic languages and literature.

Before I came to the United States, I lived in Poland, where in the late 1960's and in the 1970's, I participated in various forms of democratic opposition to the regime. As a student, I took part in the intellectuals' action of protest in March 1968. In 1976, I was one of the cofounders of KOR, Workers' Defense Committee. Between 1976 and 1981, I was also active as an editor of uncensored magazines and as a lecturer at TKN, Association for Academic Courses, which used to organize independent courses and seminars in private apartments.

Because of my involvement in those activities I was fired from my job at Poznan University. After 1977, any publication of my literary or scholarly work was prohibited by censorship.

After Solidarity was formed in August 1980, I was reinstated to my university position due to a demand of a local chapter of the union. Since September 1980, I have been—and still am—a member of Solidarity.

I think I may claim that I know from my personal experience all the most important events preceding the formation of Solidarity, as well as the first 7 months of the union's existence. After I left Poland, I tried to keep a close watch on Polish events by maintaining contacts with my friends there, who used to supply me with current publications of Solidarity and occasionally also with some inside information.

Let me start with a general remark. The nature of what is happening now in Poland can be comprehended only if we take into consideration two basic facts. First, the Communist rule, imposed on Polish people as a result of the Yalta agreement, was never accepted by them and was always viewed as a Soviet-modeled system, entirely incompatible with Polish traditions and aspirations.

Second, 37 years of so-called People's Poland consist of a series of attempts at gaining some freedom, democracy, and independence. Each of those attempts was suppressed in this way or another, but at the same time each of them added another element to a general sum of experiences, so that the unique phenomenon of Solidarity has to be seen as a conclusion drawn from all previous defeats.

I will have to remind you of some crucial dates from Polish history. In 1956, 3 years after Stalin's death and several months after bloody riots in Poznan, Poland experienced a short period of liberalization.

However, the new party chief, Vladyslaw Gomulka, although in the beginning welcomed with a great hope, put a quick end to all dreams about social and political reforms. As early as 1958, all the important achievements of Polish October—workers' councils at factories, some limitations of censorship, some religious freedoms—were practically canceled.

The 1960's were a period of increasing apathy, but also of a growing mood of dissatisfaction that sometimes led to acts of protest. But those protests, although significant, were also ineffective. It became particularly clear in the late 1960's, when the students' and intellectuals' demonstrations of March 1968 did not find any support on the part of workers or farmers.

Two years later, this lack of mutual cooperation found its tragic counterpart in December 1970, when the workers' uprising in the Baltic cities was not sufficiently supported by any action on the part of the intellectuals.

The grim experience of those defeats helped the democratic opposition to draw two far-reaching conclusions. One, the only way to freedom and democracy leads through genuine cooperation of all social strata. Two, in dealing with the forces of the regime, one must avoid violence, which results only in bloodshed and persecutions, and use only those means of pressure which have a legal justification.

The first opportunity to prove it came in June 1976, when the police once again brutally suppressed strikes and demonstrations caused by arbitrary food price increases. That had happened many times before, but this was also the beginning of a new period.

In September 1976, KOR emerged: a group of intellectuals organizing help for persecuted workers and their families and providing a necessary information network. Despite many reprisals and police harassment, KOR gained a wide support in a very short time.

In 1977, the group had to rename itself the Committee for Social Self-Defense, because its goals and its activity grew wider and included all possible forms of defending human and civil rights.

The example of KOR encouraged other independent initiatives. In the late seventies, Poland was a scene of such various events as the forming of independent publishing houses (over 40 uncensored magazines and more than 100 books appeared before August 1980), the creation of the Association for Academic Courses—known also as the Flying University—the foundation of the Farmers' Self-Defense Committees, and the first attempts to form independent trade unions in Silesia and the Baltic Coast.

The summer strikes of 1980, which led to the creation of Solidarity, were only a final stage of a long series of protests and independent activities.

From this point of view, Solidarity can also be seen as the best possible answer to all the tactics used by the totalitarian system in order to suppress people's striving for freedom.

First of all, Solidarity was defended by its massive character: With its 10 million members, it had to be considered as a genuine representation of the Polish society.

Second, Solidarity's existence was perfectly led and guaranteed by agreements which the authorities themselves signed.

Third, nothing in Solidarity's activities was secret or clandestine: Every action was made in public and open information was always the union's best weapon.

Fourth, although Solidarity understood very well that the only way of dealing with totalitarian regime is to put it under constant pressure, it never resorted to violent methods and never advocated the overthrow of a political system.

As a combined result of all these tendencies, Solidarity presented itself as an example of a massive legal and peaceful movement of democractic opposition, unprecedented in the history of Communism. Both the goals of Solidarity and its concrete achievements were unique and seemed to show the only possible way of an evolution from totalitarianism to democracy.

Let us remember that the brutal crackdown by the military regime destroyed in one blow all the freedoms won by Solidarity in a long and hard struggle. Such achievements as the right to strike, the official registration of Solidarity, Rural Solidarity, and Independent Students' Union, the new law on censorship, and so forth not only allowed people to enjoy specific freedoms guaranteed by law but also had a great moral significance.

Despite grim conditions of everyday life, people could feel some hope for the future. The wall of fear and deceit was knocked down, and for the first time in the history of postwar Poland people knew that their fate could be shaped with their own hands.

No wonder that the Communist regime saw that confidence as an imminent danger for its own monopoly of power. Hence, from the very beginning of Solidarity's existence, one could notice a stable pattern in the regime's policy. Everytime after the government had been forced to negotiate with the union, it immediately tried to cheat, not to keep any promises, not to honor any agreement.

When threatened by a new wave of strikes, the government usually yielded but tried to put new obstacles on the next occasion.

From today's point of view, it is obvious that such events like controversies around the registration of the union, the issue of free Saturdays, the police attack on Solidarity's activists in Bydgoszcz, and very many others can be considered as consecutive provocations by which the regime tested the union's strength.

At the same time, events like those helped the Government to wage a deliberate campaign of lies in the mass media, to which Solidarity's spokesmen had no access in order to create new tensions within the society. For instance, while hoarding food supplies, the regime blamed striking workers for the resulting shortages.

When it became apparent that Solidarity—that is, the overwhelming majority of the nation—could not be deceived or forced to retreat, the Government, headed already by General Jaruzelski, began long-range preparations for a crackdown. Those preparations included a propaganda campaign, which put a special stress on the threat of Soviet intervention.

The basic goal has to make an impression that the country was on the verge of catastrophe—meaning both the economic break-down and the Soviet invasion—and only a brutal suppression of Solidarity's extremism and anarchy could solve all the problems.

As we all realize, 2 weeks of martial law in Poland have neither managed to suppress Solidarity nor have solved any problem. On the contrary, Jaruzelski's attempt at restoring order by brute force have brought only chaos, suffering, and death. Each day brings more news which recall the atrocities of Nazi or Stalinist terror.

Specially trained police troops shoot at striking workers, killing—as the unofficial reports say—scores of innocent people. Peaceful demonstrations are crushed by tanks, water cannons, and clubs. Tens of thousands of people—union leaders, writers, scholars, artists, students, workers, and farmers—are held under inhumane conditions in prisons and concentration camps. All human and civil rights have been violated and every crime is possible under the complete blackout of information.

Now is the time not of law and order, but of lawlessness and vengeance. A few days ago, an eyewitness managed to report from Warsaw that Jacek Kuron and Adam Michnik, two very close friends of mine, and the two most brilliant and dedicated people I know, had been arrested and cruelly beaten by the police. There is something particularly appalling in the fact that Jaruzelski's torturers have taken such a revenge on the two men, who more than anybody else advocated nonviolence and peaceful negotiations in dealing with the regime.

One thing is perfectly clear: Solidarity cannot be suppressed, since the only possible way to suppress it would be to exterminate 10 million people—people who believed and still believe that Solidarity is the only chance of improving their lives. But how much more blood should flow, until the Polish military regime and its Soviet principals understand this?

The only way of restoring order in Poland is to let the Polish people freely decide their fate. Every possible means of pressure should be used in order to make the Polish regime lift the martial law, end the communications blockage, release the imprisoned, and stop the persecutions; every possible means should be also used in order to stop Soviet interference.

In my opinion, only the most decisive action on the part of the free world will be able to stop the suffering of innocent people and end the conflict which at any moment can take on much broader and ominous dimensions.

Thank you, very much.

Mr. DOLE. Mr. Baranczak, apparently from your statement, you think there still is a future for Solidarity. Is that a correct assumption?

Mr. BARANCZAK. Yes; I believe so, because, in my opinion, Solidarity was the first oppositional movement in the history of the Eastern bloc which was also massive, and in which all, virtually all the people in Poland put such a great hope.

The other thing is that Solidarity had some means to defend its interests. Such means like peaceful demonstrations, like strikes. And these means, I think, will prove effective, especially now when it is absolutely obvious that it is impossible to force people to work with tanks and clubs.

I think a sort of passive resistance, which Solidarity organizes right now, will bring a certain effect, will at least create a kind of a pressure on the military regime.

Mr. **Dole**. Do you believe the Polish Army will resist continuing to impose these harsh measures on the Polish people? I mean they must have ties, if there are 10 million members of Solidarity, I should think everyone in uniform would have some family tie to those who are members of Solidarity. Do you see the army eventually, except for those few subsurvient to the Soviet Union, may be backing away from some of the harsh measures now being taken?

Mr. **Baranczak**. Yes, I think the forces which are used to suppress Solidarity in Poland right now consist of three major sources. First of all, there is the secret police and its special troops, called by Polish short name of ZOMO. This is a branch of secret police which is especially trained in order to suppress all the demonstrations, strikes, and things like that.

They are very heavily armed, for example, with clubs which are filled with lead, and which are longer than usual truncheons used by the normal police. There were some cases in the past, for example, in 1976, during the suppressing of workers' riots in Radom and Warsaw that these special police troops, called ZOMO, used these clubs in a very brutal way, in a doubly brutal way, so to speak, because they were beating the people not with the clubs themselves, but with the handles of those clubs.

The other thing is the military forces, which, once again, could be divided into two parts. I mean there are special forces in the military which are called KBW, which stands for the Corps of the Internal Security, and whose aim is, once again, to suppress all the resistance against the regime. They are trained not in order to be used in potential war with foreign enemies, but in order to suppress the Polish people.

And these troops, KBW, are very heavily armed with not only things like clubs or truncheons, but also with firearms, also with tanks, also with all possible sophisticated military technique.

And the third part of the forces which are presently used in Poland are the normal military forces based on conscripts. And, of course, I think that they are not used to the direct action because they are probably unreliable. They are based on conscripts which are just normal Polish people, with members of Solidarity in their families. They themselves can be members of Solidarity, if they worked before in factories or mines.

So I think they are used for some other control of the whole situation, not for direct action.

Mr. **Dole**. Senator Hatch.

Mr. **Hatch**. Thank you, Mr. Chairman.

At the 67th Conference of the International Labor Organization in Geneva last June, Lech Walesa, as the official worker delegate of the country of Poland, received what almost everybody described as a hero's welcome.

Now will Solidarity continue as the worker representative of Poland in the ILO, International Labor Organization? And I might add one other question to that. How important has the ILO been to Solidarity itself?

Mr. **Baranczak**. Well, of course, ILO is very important for Solidarity, as important as every possible support from the outside. But even more, because the support from ILO meant very much in the past. Also the support of some specific trade unions in the West, as for example, the AFL-CIO, meant very much and not only in terms of concrete material help, I mean some equipment, for example, for the Solidarity offices, but also in terms of moral support.

And I think it should be continued, of course.

Mr. **Hatch**. How have the intellectuals in Poland been treated, if you know, since the crackdown?

Mr. **Baranczak**. Could you repeat the question again?

Mr. **Hatch**. How have the intellectuals, or the teachers, or intellectual students been treated in Poland since the crackdown?

Mr. **Baranczak**. As far as we know, as far as the reports say, and, of course, these are only fragmentary reports which reach the West with many difficulties, there are literally hundreds and maybe even thousands of prominent intellectuals who are recently held under very bad conditions in prisons and concentration camps.

There is, maybe, some kind of differential between the most prominent intellectuals and people like, for example, student leaders, union leaders, or simple workers. But, in general, the conditions are terrible. And some people who are released earlier because of, for example, their age, or the state of their health, manage to report to the West that conditions under which they were held, under which others were held, were just inhuman. Things like holding people in tents in subfreezing temperatures, arresting people in the middle of the night without any possibility of taking some warm clothing, of course, the terrible food, which especially in these overcrowded prisons is probably very poor and very scarce.

Such conditions concern both intellectuals and workers. I think intellectuals are only in a slightly better position because their names are known. And if somebody's name is well known, it is possible to send him, for example, a parcel with some warm clothing, because the military regime introduced a new regulation that only parcels sent to a concrete name of an imprisoned person will be delivered. So, it's impossible to send a parcel without any concrete name, without any concrete destination.

Mr. **Hatch**. Thank you.

Thank you, Mr. Chairman.

Mr. **Dole**. Congressman Ritter.

Mr. **Ritter**. Thank you, Mr. Chairman.

You had mentioned in your testimony that—and I may have the pronunciation wrong, so please forgive me—that Jacek Kuron and Bronislav——

Mr. **Baranczak**. I was talking about Adam Michnik, Jacek Kuron and Adam Michnik.

Mr. **Ritter**. OK. You said that these individuals have been brutally beaten. But, today or yesterday there were press reports that such beatings could not be confirmed. This brings up a larger subject of just information transfer out of Poland.

Do you have any recommendations for Americans, for the U.S. Congress or for our Government to somehow better these lines of communications. Because the news media being what they are will simply play that news which is available. And if it is Soviet and Polish Government news, it's probably misinformation. Do you have any comments?

Mr. **Baranczak**. Of course, General Jaruzelski counted on that kind of misinformation and counted on distrust which people in the West will feel toward some unconfirmed reports which reach the West.

I think the only way to prevent it, the only way to restore, partially, the communications between Poland and the West is first of all to send some neutral observers, for example, from the Red Cross, or from Amnesty International, to those prisons and concentration camps in which people are held in order to see with their own eyes what the conditions look like.

The other thing is the increasing of broadcasting by the Western radio stations which focus programs to Poland. I mean, first of all, Radio Free Europe and the Voice of America. From my personal experience, from my years spent in Poland, I can recall that these two radio stations are of enormous importance in Poland as a source of information, first of all, as proof that the West watches what is going on in Poland, and, also, as a confirmation of some rumors which circulated in Poland. Because sometimes the rumors are the only means of information, I think especially now, especially in the present situation, everything which people know in Poland is based on, first of all, rumors, second, on the programs of the Western radio stations.

Mr. **Ritter**. Mr. Baranczak, do you have strong contacts with American labor union leaders or does Solidarity have those kind of contacts? Do they have it with labor organizations in Western Europe?

Mr. **Baranczak**. I never was an official representative of Solidarity in the West. I am simply a member of Solidarity, so I never represented Solidarity in talks with the labor union leaders. But I know there were some links between Solidarity and the Western trade unions, of course.

Mr. **Ritter**. Thank you, Mr. Chairman. And thank you, Mr. Baranczak.

Mr. **Dole**. Thank you, Mr. Baranczak. And we appreciate, very much, your testimony.

I understand, now, the Ambassador must leave.

Our next witness—maybe you could leave while our next witness is coming to the table—is Mr. John Scanlan, Deputy Assistant Secretary for European Affairs, Department of State, followed by Tom Kahn. I think he can give the answers to Congressman Ritter about the American labor movement. He's the assistant to the president, AFL-CIO.

If you'd wait just a second, Mr. Scanlan.

I understand—do you have a prepared statement?

Mr. **Scanlan**. Yes, sir.

Mr. **Dole**. OK. You may proceed in any way you wish.

STATEMENT OF JOHN D. SCANLAN, DEPUTY ASSISTANT SECRETARY FOR EUROPEAN AFFAIRS, DEPARTMENT OF STATE

Mr. **Scanlan**. Thank you, Mr. Chairman.

The irony and the tragedy of this hearing today is that less than 2 months ago, on November 3, our Embassy in Warsaw in its draft annual report on human rights in Poland, noted solid progress by the Poles toward the enjoyment of those rights provided for in the Helsinki Final Act. On December 13, this progress was sharply and abruptly halted by a declaration of martial law by the Polish Government which has not only reversed this positive trend, but has plunged Poland into the darkness of an arbitrary abridgment of human and civil rights worse than anything known in Poland since the early 1950's.

Striking swiftly in the middle of the night, the Polish Government, by its own admission, arrested 5,000 Polish citizens, whose only crime was that they wished to exercise their basic human rights and had the temerity to suggest that all Poles should be able to do so. They believed they should have freedom of the press, speech, religion, and assembly; they believed that they should be free to exercise the right to form labor unions and to strike—a right which the government had granted them in 1980; they believed that they should have freedom of movement and freedom to participate in the political process.

In short, they believed that they had the right to seek a new social compact which would give all Poles the sense of participating in the economic and political decisions that affect their well-being, their standard of living, and the quality of their lives.

Those arrested were labor union leaders, writers, professors, Catholic intellectuals, and student leaders. None were armed, none were terrorists. All were Polish nationalists. Many were women.

They are broadly accused by Polish Government spokesmen of fomenting anarchy and threatening civil war, when all they were fomenting was a more democratic, a more representative, a more just society—and the only thing they threatened was that they would actively defend their basic human and civil rights.

No one knows exactly how many political prisoners are now in Polish prisons and makeshift detention camps. A Polish Government spokesman said on one of our television networks last night that it was difficult to give an exact figure because some had been released while some additional persons had been arrested. There are reports of numbers far exceeding the total of 5,000 acknowledged by some official Polish spokesmen. Most have not been seen by their families since they were arrested 2 weeks ago. Indeed, the location of most is not known to anyone outside of their jailers. There are reports, however, that they are being held at a minimum of 49 locations throughout Poland, and that many of the facilities are crowded, inadequately heated, and lacking in other respects.

At a minimum, the treatment of the thousands of political prisoners is degrading. Their arrest was arbitrary and so is their continued imprisonment. Although article 87, paragraph 1, of the Polish constitution guarantees the right of habeas corpus, these prisoners have been denied legal remedies and to our knowledge only a handful of local labor leaders has even been formally charged. Moreover, it is cynical that the announcement of these sentences to these local labor leaders was on the eve of the postholiday return to work, today, and is an obvious attempt to inhibit Polish workers from new strike activity.

For the past several years, virtually any Pole who wished to do so, with some notable exceptions, has been able to travel abroad. Since December 13, the borders have been closed and passports are being recalled and canceled.

Poles cannot even travel internally without a permit granted by the police, and we are told that permission is rarely granted. The decisions are arbitrarily made at the local level by police clerks and there is no right of appeal. This was relaxed somewhat during the Christmas holidays to permit travel within the province in which one lives. A country roughly the size of New York and Pennsylvania, Poland is divided into 49 provinces, which gives an idea of how limited even this concession was. Moreover, police and military roadblocks abound which slows and hampers even the limited travel that is permitted and inhibits a populace that still has reason to fear continued arbitrary arrests.

The radio and television stations have been taken over by the military regime. The print media has been reduced to a handful of government edited newspapers, and strict censorship has been reintroduced. Printing presses, other reproduction equipment, and shortwave radio transmitters not owned by the government have been proscribed and are being confiscated when found.

Telephone and telex service, both internally and internationally, have been cut off since December 13. In addition to creating an atmosphere of hopeless isolation for the Poles, this is having a devastating effect on an already stagnant and faltering economy.

There are over 10 million Polish-Americans. Many have relatives in Poland. And our Embassy in Warsaw and our consulates in Poznan and Krakow are normally visited by tens of thousands of Poles every year seeking consular services: Visas to visit relatives in the United States; information and assistance in inheritance cases; social security and other retirement benefit information—there are thousands of Poles who lived and worked for years in the United States and returned to Poland to retire; notorial services; and a wide range of other consular services.

Since December 13, in violation of all norms of diplomatic and consular practice, the Polish Government has ringed our Embassy and consular establishment with armed police and army personnel and deny entry to anyone who cannot produce an American passport. We have protested this vigorously and repeatedly but to no avail.

Mr. Chairman, this is a sad and tragic moment in Poland's history. But for over 1,000 years the Poles have courageously and stubbornly fought for their human rights, their civil liberties, and their national identity. At various times in their history, they have lost the first two, but they have never surrendered their national identity. This is their strength. They have always prevailed in the end, and with the help of all on this Earth who sincerely believe in basic human rights, they will prevail again.

Thank you.

Mr. DOLE. Thank you, Mr. Scanlan. I think the record shows that you served three tours with the U.S. Embassy in Warsaw and one with the Soviet Union, so that you have had a great deal of personal experience dealing both with the Soviet Union and the Polish people and the government.

Are you at liberty to indicate to us what, if any, further sanctions may be under consideration by the administration?

Mr. SCANLAN. Sir, I can only tell you that we are now considering that very carefully. And, at this point, nothing is excluded, pending the final decisions which will be made by the President.

Mr. DOLE. You indicate nothing is excluded. Could you indicate what may be included in the nonexclusionary group?

Mr. SCANLAN. Well, Mr. Chairman, pending the President's decision, I really feel that I should not comment any further. But———

Mr. DOLE. I understand that.

What about reference to the sanctions, or at least the actions the President indicated he would take in his Christmas address to the Nation? Are those in the process of being implemented, as far as fishing, and credits and———

Mr. SCANLAN. Yes, sir, with regard to Poland, the President has taken the decision that the right of the Polish airline "Lot" to fly to the United States will be suspended, that the Poles will not be given a fishing quota in 1982, and that no further credits will be considered, and the suspension of all consideration of everything that had been considered. Humanitarian food aid, however———

Mr. DOLE. Is there any consideration of reviewing Poland's most-favored-nation trading status, which doesn't concern this Commission, but it concerns the Finance Committee, which I happen to chair? Is that one of the things under consideration, too?

Mr SCANLAN. At this point, Mr. Chairman, we are looking at that, as we are looking at every aspect of our relations with Poland. And that would be determined by the ability of Poles to freely immigrate to the United States, which has always been possible.

Right now, when Poles cannot even enter our Embassy to apply for immigrant visas, or to process immigrant visas, which may have been approved, there is serious reason to look at this.

Mr. DOLE. As I understand it, under title IV of the Trade Act of 1974, if, in fact, the basic human rights are violated, the most-favored-nation status can be suspended or revoked for the Communist countries the act covers. Poland may not now be within the scope of that provision, but I would hope that's an area that is being addressed. And I assume that if Poland is not excluded that that sanction would be within that group the President is considering.

Mr. SCANLAN. We are looking at every aspect of our relationship with Poland, yes, sir.

Mr. DOLE. As I understand it—I guess I'll make certain that I understand it—that the announcement by the President, those specific measures he referred to, you are in the process of implementing at this time.

Mr. SCANLAN. Yes, sir, we are.

With regard to Lot's right to fly to the United States, we've already been dealing with the CAB on that.

Mr. DOLE. Have you had any encouragement from other nations who might be willing to assist us, or join us, in sanctions? In my view, the problem will be, if we impose sanctions, and no one else imposes sanctions, there in effect are no sanctions. It may amount to a public relations effort by this country, not much else.

Mr. Scanlan. We've had extensive discussions with our allies. As you know, Assistant Secretary Eagleburger was in Europe last week. We are continuing those discussions. There are indications, that depending upon developments in Poland, there could be some activity. The discussions are still continuing.

Mr. Dole. Senator Hatch.

Mr. Hatch. What is the State Department's assessment of resistance to martial law by Poland's coal mine workers? And what, really, are the short and long term assessments of industry stability and output?

Mr. Scanlan. Well, Senator, our sources of information on that are limited. But to the extent that we have information, there was broad resistance in the coal mining area for the first 10 days, 2 weeks. As you know, most of those strikes have ended, with the exception of one in the Piask mine. About 1,100 miners still remain in the mines.

There is widespread indication of continuing passive resistance. We do not have any information, at this point, on the extent to which the facilities in the mines may have been damaged, either by a failure to maintain them, or by action of workers.

I agree with Professor Baranczak; I think it likely that passive resistance of various kinds will continue for some time.

Mr. Hatch. I mentioned the hero's welcome Lech Walesa received at the International Labor Organization conference last June. Have any recommendations been formulated regarding U.S. strategy or policy to consider or condemn Polish actions in the upcoming ILO conference?

Mr. Scanlan. Senator, that's another thing, one of the many things that are being discussed and considered at this point.

Mr. Hatch. I'd consider that, because I think that's a world forum that is very important. This is a labor union, which has been cracked down upon, after all of the high-flung remarks that we received from the Soviet Union and satellite nations through the years at the ILO, and after all of the punishing criticism that has come to other countries in the free world. I think that that's a very good forum in which to raise some of these very important issues about, you know, trade labor and the oppressions that have been going on in Poland that we all know about.

Mr. Scanlan. Well, that's under active consideration.

With regard to Lech Walesa our Ambassador in Warsaw has asked on two occasions to see Lech Walesa. He has not received a response. He had met with Walesa on a couple of previous occasions.

Mr. Hatch. I see.

There's one other matter that I would like to call to your attention. I don't know whether you've read the testimony of Mr. Kahn, who is the representative from the AFL–CIO, but I would suggest to our representatives that they consider some, if not all, of the suggestions he is making. I think they may be an approach that may consist of a total approach that is long overdue.

Last but not least, one of the things that bothered me when I was at the ILO last year is that there are a number of conventions which this country could very well endorse and support, but which we have not been endorsing and supporting. I'm not suggesting all of them. But I'm suggesting that we make a complete assessment of how we might be able to cooperate in helping to bring home to many countries, including those Warsaw Pact nations, that there are injustices in this world that have to be combated. And the ILO is one good area where we might be able to make more of a dramatic impact than we have in the past.

Mr. SCANLAN. Thank you, Senator.

Mr. HATCH. Thank you.

Mr. DOLE. Congressman Ritter.

Mr. RITTER. Thank you, Mr. Chairman.

Mr. Scanlan, you have mentioned that we are negotiating with our Western allies on the subject of trade restraint. Has the subject of the Yamal pipeline come up?

Mr. SCANLAN. I'm not aware of whether it has specifically come up. I have talked to Assistant Secretary Eagleburger since he returned. And I know that he had very extensive discussions with the Germans, French, Italians, and the British. I assume it came up. This has all gone very quickly, and he hasn't made any exhaustive memoranda of conversations.

Mr. RITTER. Are you concerned—is our Government concerned—that there was such a short space of time between the signing off on the Yamal deal and the crackdown on December 12? Do we have any reason to believe that certain circles within our NATO allies had some reason to hurry the Yamal pipeline completion? That is, the business arrangement.

Mr. SCANLAN. Well, with regard to our position on the Yamal pipeline, Ambassador Kampelman expressed it, I think, very eloquently. It is the position of this administration. We are dealing, of course, with sovereign nations here. We express our views, even when they are very much in disagreement with theirs.

I do not think, frankly, that any Western governments who are involved in signing these final agreements with regard to the Yamal pipeline did so because of what happened on December 13.

Mr. RITTER. No, no. It hadn't. They signed the agreements before December 12.

Mr. SCANLAN. Yes; but I don't think they had any more advance information or apprehension than anyone did. We knew that an option that was always possible for the Poles was the type of action they took. The timing of it, of course, is something else again.

Mr. RITTER. Do we have any information that the major recipients of this Soviet gas, and, in a sense, the major financiers of the project, the French and the Germans, have any reservations about going ahead with this incredibly massive dependence right after the crackdown in Poland?

Mr. SCANLAN. I don't have any precise information on that.

Mr. RITTER. Well, I suggest to our friends in these governments that they very sincerely sit down and reconsider.

Thank you, Mr. Chairman.

Mr. DOLE. Thank you, very much, Mr. Scanlan. We appreciate it.

Our final witness this morning, and a very important witness, is Mr. Tom Kahn, assistant to the president, AFL-CIO. He has had a long involvement in international labor issues, including Poland and the Soviet Union, as well as issues dealing with human rights and ethnic minorities.

Do you have a prepared statement? You can proceed in any way you wish and we will have time for questions.

STATEMENT OF TOM KAHN, ASSISTANT TO THE PRESIDENT OF THE AFL-CIO

Mr. KAHN. Thank you, Mr. Chairman.

My name is Tom Kahn. I am an assistant to the president of the AFL-CIO. I have responsibility for the AFL-CIO's Polish workers aid fund. And I thank the members of this Commission for the opportunity to offer the views of the AFL-CIO on the recent events in Poland and to suggest an appropriate American response.

Our obvious interest in these events springs, in the first place, from the natural bonds of trade union solidarity that extend beyond national borders and that motivated the AFL-CIO's material and moral support for Solidarity over the past year.

Mr. HATCH. Tom, can I interrupt for just a second? I have to run. I hate to leave, but I have read your statement. I just want to compliment you for it, and the AFL-CIO in the process, because I believe it is an excellent statement. I believe you give some excellent suggestions.

As you know, I've supported you in a number of ways in foreign policy, and I intend to continue to do so.

I think you people have stood up where others have refused to do so.

Mr. KAHN. Thank you, Senator.

Mr. HATCH. I think you've made a number of very important points in here, and I hate to leave on you. First, I want to apologize and second, let you know that I appreciate your statement. I appreciate your stand. I appreciate the toughness that you people have in foreign policy from Lane Kirkland to Irving Brown, for whom I have inestimable good feelings. And I just want you to know that this is one Senator who is going to take a more active role in the ILO, and in other foreign policy matters involving labor. And perhaps I can be of some assistance to you.

If you'll forgive me for leaving. I've got a commitment I just have to keep.

Mr. KAHN. Thank you, Senator, I appreciate those remarks.

Mr. HATCH. Thank you, so much.

Mr. KAHN. Thank you, sir.

But from a wider perspective, we believe that the prospects for world peace are linked to the fate of the Solidarity trade union movement.

At issue here is whether societies characterized by state ownership of the means of production can permit workers, and other citizens, to create and control their own institutions, independent of the state. Given that societies so organized account for a substantial portion of the world's population—that even in societies not so organized, there are vocal movements advocating state ownership—the answer to this question has far-reaching implications

Freedom of association is, in our view, the bedrock human right on which all the others depend for their defense and protection. Without it, there is no check on the power of the unelected few to wage war on the many, both within and beyond their borders.

Without it, constituencies cannot arise to demand constraints on military spending in the interest of allocating a larger share of economic resources for social needs.

Thus the fate of Solidarity embodies and transcends the issue of trade union rights. It bears profoundly on the shape of modern society, on the relations among states, and consequently on the prospects for real peace.

The stakes then are high, not just for Poland but for the West. They are sufficiently high to warrant a test as to whether or not there is a Western alliance capable of effective action.

First, we should be clear about what is happening in Poland. For the first time, a military putsch has occurred in a country ruled by a Communist Party, because the party had begun to disintegrate as a governing force. The purpose of this putsch is to destroy Solidarity as an independent institutional force and to secure the hold of the Soviet Union on the Polish state.

The true author of this putsch is the Soviet Union, as surely as if it had sent in its own tanks. What has occurred is a Soviet invasion by proxy.

This point needs to be emphasized, because the West has all along been preoccupied with the possibility of a direct, overt military invasion, and this preoccupation has confused and paralyzed policy. It led to a failure to make contingency plans for a Soviet "Polish" solution. It has become a rationale for delaying sanctions against the Soviets even now. And it encourages the view that the Jaruzelski junta represents a third force—somewhere between Solidarity and Moscow, an alternative to economic chaos and a Soviet invasion.

What it represents in fact is a Soviet invasion in a specific form. It is the Soviet Union that holds Lech Walesa incommunicado. It is the Soviet Union that has beaten, shot, and killed Polish workers. It is the Soviet Union that now holds tens of thousands of Poles in detention camps, under harsh conditions.

The failure of the West to respond adequately to these events can only encourage the enemies of Solidarity and demoralize its friends.

We believe the time has come for the U.S. Government to declare that the Soviet Union and its Warsaw Pact allies have unilaterally abrogated the Helsinki agreement and that we no longer feel bound by its provisions.

The AFL-CIO further urges the following steps:

1. The balance of the Polish debt should be called in.
2. No further credit should be extended to the Soviet Union or Eastern Europe. Any transactions with these nations should be conducted on a strictly cash basis.
3. Shipments of grain to the Soviet Union should be halted.
4. The export licenses of the American companies working on the Siberian gas pipe line—Dresser, General Electric, Caterpiller, and International Harvester—should be suspended.
5. Technology transfers to the Soviet Union should be placed under strict national security controls.
6. The Maritime agreement with the Soviet Union should be allowed to expire 3 days from today. This agreement gives Soviet ships easy access to some 40 American ports on short notice.

Absent such an agreement, the Soviets would require permission well in advance to gain access to a far smaller number of ports.

7. The U.S. delegations to the Helsinki review talks in Madrid and the arms talks in Geneva should be recalled.

8. Satellite surveillance photographs of detention camps and other physical evidence of the junta's repression should be made public.

To insert a comment, the whole city of Radom, I am told, is surrounded by tanks. And we don't know what is going on there. And it would seem to me that we could take some pictures of that with our satellites, and make them public.

9. We should beef up our radio transmissions into Poland, to break through the information and communication barrier imposed on the Polish people, and we should provide access to those radios for members of Solidarity who were outside of Poland when martial law was imposed.

Mr. Chairman, these actions should be coordinated insofar as possible with our European allies. In this spirit, the AFL-CIO has been cooperating closely with the International Confederation of Free Trade Unions. But given the current state of confusion in European thinking, this is not the time for the United States to follow, or to seek the lowest common denominator of action. We have the responsibility to lead.

Mr. Chairman, the Wall Street Journal recently carried an article quoting Thomas Theobald, senior vice president in charge of Citibank's international division. Asked for his reaction to the imposition of martial law in Poland, he responded, "Who knows which political system works? The only test we care about is: Can they pay their bills?"

The Journal article suggested that Mr. Theobald's view was not atypical of his colleagues in the banking community.

This attitude is, of course, morally repugnant to the AFL-CIO. But more importantly, it conveys to the Soviet Union the idea that important elements of what they would call the American ruling class are indifferent to human rights or to the system of political democracy required to sustain them. Further, it confirms their view that the democratic capitalist societies are incapable of sustaining sacrifice, inconvenience, or profit losses in the service of the principles they proclaim. That perception of us can only embolden them.

It has been argued that President Carter's grain embargo was more harmful to American farmers than to the Soviets. We will doubtless hear similar arguments with regard to the other specific actions urged by the AFL-CIO here today.

We will be told that curtailing the transfer of technology or halting U.S. participation in the Siberian gas line will only hurt U.S. corporations, and that the Soviets will be able to acquire this help from other nations.

Even if these arguments had merit—and I do not concede that they do—the time may be at hand for the United States to demonstrate to the Soviets that we are prepared to hurt ourselves, if necessary, in order to punish them for conduct that threatens world peace and human rights.

A policy whose first objective is to minimize inconvenience to ourselves is not likely to be a policy that will maximize pressure on the Soviet Union.

Our farmers were right to complain that they were singled out for special sacrifice. Our Olympic athletes were right to complain that they were singled out for special sacrifice. Young Americans required to register for the draft were also justified in their complaints—so long as others were free to do business as usual with the Soviets.

The sacrifice must be made across the board. It must be morally commensurate with the sacrifice made by that brave man who delivered the first testimony at this hearing. Until it is, the Soviet Union will not take our warnings seriously.

We must make it clear to our European allies that we expect them to share the burden. We should be prepared, if necessary, to place restrictions on trade with any of our allies who enter commercial relations with the Soviets that would mitigate the impact of our actions.

Finally, Mr. Chairman, we should be clear as to our objective in Poland. It should not be merely to deter an armed Soviet invasion, nor to seek an "easing" of martial law, or to stabilize the puppet junta. Our objective should be a return to the status quo ante, the release of Lech Walesa and all the other detainees, the lifting of martial law, and the resumption of negotiations between Solidarity and the government.

Meanwhile, our duty is to give full moral support to the passive resistance struggle now being waged by the Polish people.

Thank you, Mr. Chairman.

Mr. DOLE. As I understand it, Mr. Kahn, it's your suggestion that, whether or not other countries cooperate, we should do the things you suggest unilaterally.

Go it alone, in other words.

Mr. KAHN. Most of them we can do unilaterally.

But I think we ought to prepare a package embodying these steps, present the package to our allies, and indicate that we intend to proceed along these lines and we want their support.

Mr. DOLE. Do you think the Polish Government will try to establish some puppet Solidarity movement, or group, that may be composed of some present members of Solidarity who have been broken because of their activities?

Mr. KAHN. I worry about that possibility. And it bears, also, on the question that Senator Hatch put earlier at the ILO. I believe that we ought to take the view—the AFL-CIO will take the view that any workers' delegation that appears at the ILO that is not approved by Lech Walesa is not a legitimate, authentic workers' delegation from Poland, and ought not to be recognized.

From the very beginning, the Soviet Union, and the Polish Government, have waged a campaign of subversion, division, and sabotage designed to erode the Solidarity trade union movement. I would not be surprised that, as part of the easing, so-called, of martial law, the present Government proposed some kind of arrangement which would bring Solidarity into a national governing apparatus.

What Solidarity that would be is another question. But certainly so long as Lech Walesa is held incommunicado, and he is not permitted to play a role, we ought to be very suspicious of anything that comes out of the martial law that calls itself Solidarity.

Mr. DOLE. Have you been able to have any contact or any communique with any present members, officers of Solidarity?

Mr. KAHN. There were a number of members of Solidarity who were outside of Poland when martial law was imposed. A number of them met in Zurich a week or two ago and established themselves as an informal group, whose purpose would be to try to maintain some contact with their brothers and sisters in Poland and to provide a source of information to the West. We are in touch with them.

We are in touch with some of the Poles who are in Sweden who also have some contacts.

And, finally, the ICFTU in Brussels is a further source of information.

But we do not have a direct contact from Washington with any one inside Poland now.

Mr. DOLE. Congressman Ritter.

Mr. RITTER. Thank you, Mr. Chairman.

Mr. Kahn, I'd like to compliment you on your testimony. I think it is obviously a result of a lot of thoughtful study as well as experience with the situation in Poland.

When you mentioned the AFL-CIO further urges the following steps, who exactly are you speaking for? Has the executive board of the AFL-CIO accepted these nine provisions? Precisely what voice is this?

Mr. KAHN. The president of the AFL-CIO.

Mr. RITTER. This is the president of the AFL-CIO Lane Kirkland?

Mr. KAHN. Who I assure you speaks for the AFL-CIO on these matters. The executive council meets only quarterly, and between meetings of the council, policy is set by the president.

And this statement I have read to you is consistent with past positions taken by the AFL-CIO.

Over a year ago, we approached Solidarity and asked: What should be the position of the American trade union movement on the question of American governmental aid to Poland? Traditionally, the AFL-CIO has opposed aid to Communist countries. It was their view that such aid should be conditioned on the Polish Government adhering to the Gdansk Agreement.

That agreement has clearly been broken. It has been shattered. There is no basis, now, for us to support any U.S. governmental aid to Poland.

There was also a press conference held in Brussels, a little over a week ago, at which the deputy spokesman for Solidarity who happened to be out of the country at the time of the crackdown made a very important statement in which he urged the cutoff of all aid to the Polish Government and warned, even, about humanitarian aid saying that it would be used by the military government in a system of reward and punishment to keep the people in line. He urged that humanitarian aid, food, emergency medical supplies be channeled through private charitable organizations which had people on the ground who could guarantee that it would be distributed to the people who needed it most.

Mr. Ritter. Mr. Kahn, I'm also impressed by your statement, because in addition to your comment on the denial of export licenses to American companies working on the Siberian gas pipeline—you mentioned the name of the corporations which would hurt these companies—obviously, you are endorsing the sanction despite the current level of employment in this country. And certainly, you know, the employees of these corporations are members of major unions. I'd like to commend you on your statesmanship there.

I have one further question. As far as I can see, this is about the best package of ideas, in terms of formulating some kind of policy, that I've seen yet come out on this subject. Are you in contact with the Reagan administration and policymakers there? Because, if not, Senator Dole and I are going to try to put you in touch.

Mr. Kahn. Our contact is not as deep and frequent as we would like, but——

Mr. Dole. It's getting better though. It's getting better.

Mr. Kahn. They're getting better. And the views expressed here were conveyed to the President by President Kirkland at a meeting last Monday. And we are still hoping that he will take steps along these lines.

If I could comment, just briefly, on one other aspect of the pipeline, in which you have expressed great interest.

You should be aware that Ruhrgasse, the German outfit that is sponsoring this, is owned, 25 percent of it, by American oil companies: Mobil, Texaco, and a couple of others. And since the question of slave labor has also been raised, it has been reliably reported that slave labor will be used on the construction of that pipeline. The Soviets are importing thousands of Vietnamese laborers, who will be paid 40 percent of the wage scale, with the understanding that the remaining 60 percent goes as a credit——

Mr. Ritter. To paying off their war debt.

Mr. Kahn. Vietnamese—yes. That is a form of slave labor.

Mr. Ritter. I have one further comment, if I might, Mr. Chairman, on your comment.

Are you in touch with your counterparts in the free trade union movement in Germany and France? These are the two beneficiaries of gas and the major financiers of the line.

Mr. Kahn. Yes; in fact we have, in recent times, had very close relations with the Germans, the DGB.

Mr. Ritter. The German Government is using the argument that we need the jobs, the steel industry needs the jobs, the pipeline industry needs the jobs.

Mr. Kahn. Well, there is a job factor here. But we have expressed to the Germans our great concern over this pipeline.

Mr. Ritter. Have you had any——

Mr. Kahn. There are also American jobs that could be involved——

Mr. Ritter. That's right.

Mr. Kahn. In alternate energy supplies for Europe, including liquid coal which could be sent to Europe instead of Soviet gas.

Mr. Ritter. Or even the upgrading of our coal export capacity in this country would mean a great deal of jobs.

Mr. **Kahn**. Yes.

Mr. **Ritter**. Have you achieved any success with your West German, and French counterparts in this regard?

Mr. **Kahn**. Not so far. But I believe that the European trade union movement is slightly ahead of the European governments, at this point, in their determination to respond with some force to the events in Poland.

I would like to insert in the record the statement put out by the ICFTU on this.

[Mr. Kahn's written statement follows:]

STATEMENT ON POLAND

On December 16, 1981, a special trade union meeting has been convened in Brussels by the ICFTU to discuss the serious situation in Poland.

Representatives of ICFTU affiliated organizations and of the International Trade Secretariats expressed the international free trade union movement's condemnation of the arrests of leading members of Solidarnosc and the imposition of military rule in Poland.

The meeting emphasized that these measures were taken in the absence of any provocation on the part of the Polish free and independent trade union movement, which on the contrary has repeatedly stated, and is still stating, that it is ready to negotiate. The international free trade union movement condemns the Polish authorities' shameful attempts to stifle, by means of these measures, the hope of resurgence and freedom that the Polish free and independent trade union movement has succeeded in creating in Poland and elsewhere.

The international free trade union movement once again pledges its full hearted support to the Polish workers and their Solidarnosc trade union organizations in their determination to ensure that the Polish authorities fully respect the Gdansk agreement.

The international free trade union movement reaffirms its deep conviction that the problems of the working class cannot be solved without freedom and full observance of the Universal Declaration of Human Rights and the international conventions and freedom of association, and therefore calls upon its member organizations to:

A. undertake immediate and continuous protest actions in support of the Polish workers fight for the respect of human and trade union rights;

B. exert stronger pressure on their respective governments; and

C. make representation to the Polish ambassadors in their countries with a view to ensuring that:

    1. all the arrested trade unionists are immediately released;

    2. martial law is immediately abolished;

    3. negotiations are resumed immediately between the Polish authorities and Solidarnosc on measures to solve social and economic problems that the country is facing, on the basis of the agreements already reached before the declaration of martial law;

4. democratic procedures are established to ensure that material assistance given to Poland does in fact reach those parts of the population that are in real need of it;

5. any assistance to Poland by governments or credit institutions is strictly linked to the comprehensive fulfillment by the Polish authorities of the above mentioned trade union demands.

The ICFTU together with the ITS will follow developments closely and will make every effort to ensure effective coordination and maximum cohesion of the international solidarity action in support of the Polish workers.

December 17, 1981

Mr. **Kahn**. There is also the problem that in Europe many of the trade unions tend to defer to the political parties with which they are affiliated on questions of foreign policy.

As you know, the AFL-CIO has a different tradition. We don't defer to either political party on foreign policy questions.

In this respect, a statement put out by the Socialist International, by Willy Brandt, was an especially regrettable one because it failed even to mention the Soviet Union as a player in these events. In fact, urged continued economic assistance for the Polish Government. I believe that has an influence on some of the West European trade unions.

But we're making a great deal more progress there than perhaps our Government is making with our allied governments.

Mr. **Ritter**. Thank you very much.

Mr. **Kahn**. Thank you, sir.

Mr. **Dole**. Thank you, very much, Mr. Kahn.

I want to thank Senator Leahy, Senator Hatch, Congressman Ritter, Mr. Palmer, of course the staff of the CSCE for their efforts, and those who have attended as witnesses.

The record will remain open in the event other members of the Commission want to file statements, or in the event that some of the other groups which we have contacted would like to have a statement for the record.

The staff is also authorized to include other pertinent data in the record which will help make it as complete a record as possible.

The meeting is adjourned.

[Whereupon, the meeting was adjourned at 2:13 p.m.]

[Statements and letters submitted for the record follows:]

COMMITTEE IN SUPPORT OF SOLIDARITY
275 Seventh Avenue, 25th Floor
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929-6966 / 989-0909

THESE ARE SPOKESMEN FOR THE COMMITTEE IN SUPPORT OF SOLIDARITY:

MIROSLAW CHOJECKI, co-founder of KOR (Committee for Social Self-Defense) and of NOWA, the largest independent publishing house in Poland. He is chief of Solidarity's publishing press, and expert on mass media on Solidarity's National Commission. He was in America to arrange for printing equipment; one of the 28 members of the Acting Group of "Solidarity" that met in Zurich.

JAKUB KARPINSKI, a Doctor of Sociology and prominent author, was an assistant professor at Warsaw University until 1968. From 1968 to 1971, Mr. Karpinski was a political prisoner in Poland. Upon his release, he continued to stand in the forefront of the democratic opposition. Co-founder of the Association for Academic Courses (TKN). Mr. Karpinski now teaches at the State University of New York.

WOJCIECH KARPINSKI, editor of Res Republica, an independent quarterly published in Warsaw. He is a historian, and has been in the United States for a little over two months on a visit sponsored through the State Department. Along with Mr. Chojecki, he was on the list of prominent intellectuals arrested by the Polish government.

AGNIESZKA KOLAKOWSKA, founding member of the Committee in Support of Solidarity. PhD. candidate at Columbia University.

IRENA LASOTA was a leader of the Warsaw student uprising of 1968. She left Poland in 1970, and in the last year and a half maintained close contact with Solidarity. Ms. Lasota lectures nationally on events in Poland. A PhD. candidate at Columbia University, Ms. Lasota teaches political science at Fordham University.

PIOTR NAIMSKI was a co-founder of KOR in 1976, and of the independent publishing house "Glos" in 1978. In 1980, Mr. Naimski helped organize Warsaw Solidarity, as well as the Center for Social Studies, which advises Solidarity's elected leaders. A biochemist, Mr. Naimski left Poland in March of this year to pursue a year's research at New York University. Also one of the 28 members of the Acting Group of "Solidarity".

ERIC CHENOWETH is Director of the Polish Workers Task Force and editor of "Solidarity Bulletin," a publication of articles, information, and statements from Solidarity. The Polish Workers Task Force was established a year ago to coordinate the activities of students, trade unionists and others on behalf of Solidarity in the United States. Polish Workers Task Force disseminates information concerning Solidarity, including sponsoring Solidarity members and advisors, and raises funds to assist Solidarity.

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The following text is the testimony of Miroslaw Chojecki, representing the Committee in Support of Solidarity in New York, to the Congressional Commission on the Conference on Security and Co-operation in Europe. The testimony concerns derogations from the Helsinki Final Act, the United Nations Charter, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights that have been committed by Poland since December 13, 1981.

Miroslaw Chojecki is a co-founder of KSS/KOR (Committee for Social Self-Defense/Workers Defense Committee) and editor-in-chief of the Independent Publishing House "NOWA," the largest independent publishing house in Poland. He is chief of Solidarity's publishing press, and expert on mass-media on Solidarity's National Commission.

Also enclosed is a statement of the Committee in Support of Solidarity on the response of the West to the conflict in Poland.

I would like to thank the Commission for this opportunity to offer testimony on the situation in Poland.

On the morning of December 13, 1981, General Jaruzelski, First Secretary of the Polish Communist Party, Prime Minister, and Defense Minister, proclaimed the decree of the state of war in Poland.

Neither the circumstances at the time of the decree's enactment, nor the procedures by which it was enacted, meet the conditions specified in the Constitution of the Polish People's Republic.

I. Article 32(ii) of the constitution of the Polish People's Republic states that the decree of a state of war may be proclaimed:

a)ONLY by the Council of State (a collective body similar in function to a president);

b)ONLY when the Sejm (the Polish Parliament) is not in session, as is the case with all other decrees enacted by the Council of State;

c)ONLY in case of danger to the security of the state.

The conditions under which the decree was enacted are therefore in violation of Article 32(ii) of the constitution, since:

a)the Council of State has nowhere made public its enactment of that decree;

b)the Parliament was in session at the time of the decree's enactment;

c)no danger to the security of the stae was proven to exist.

II. The measures taken on the basis of the decree were arbitrarily decided, since the Polish constitution makes no provisions for specific extra-legal measures which may or may not be implemented during a state of war; the extra-legal measures implemented on the basis of the decree therefore have no constitutional justification. Furthermore, they violate Article 4 of the International Covenant on Civil and Political Rights, which states that derogations may be made from the Covenant by States Parties to it only "to the extent strictly required by the exigencies of the situation."

The actions, specified below, taken by the military government in Poland on the authority of the decree of the state of war, which derogate from the present Covenant and from other international agreements, clearly have been of such a nature that the clause in question is not applicable to them. The actions have violated the provisions contained in the Helsinki Final Act, the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and all other international human and civic rights agreements to which Poland was a signatory and which it ratified as a participating state.

III. Paragraph I(a), Article VII of the Helsinki Final Act states:

> "The participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion and belief . . . they will promote and encourage the effective exercise of civil, political, economic, social, cultural, and other rights and freedoms . . . in the field of human rights and fundamental freedoms, the participating states will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfill their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound.

Poland has violated Paragraph I(a), Article VII of the Helsinki Final Act by its derogations from the folowing, as exemplified below:

Articles 3, 5, 7, 8, 9, 10, 11, 12, 13, 17, 18, 19, 20, 21, 22, 23, 28, and 29 of the Universal Declaration of Human Rights; Articles 1(i), Pt. I, 2(b), 4, 6(i), 8(iii)a, 9, 10(i and ii), 14(i and iii), 15, 17, 18, 19, 21, 22, and 26, Pt. II, of the International Covenant on Civil and Political Rights;

Article 1, Paragraph II, Article 6, Paragraph III, Pt. 2, and Article A(i and ii), B and C, Pt. 2, of the Helsinki Final Act.

A. The Universal Declaration of Human Rights

Article 3 states:

> "Everyone has the right to life, liberty, and the security of person."

In violation of this article, tens of thousands of people have been arrested, interned, and detained; at least 49 concentration camps, according to the official Polish Press Agency (PAP), have been set up throughout the country; striking workers have been fired at by the police and security forces.

Article 5 states:

> "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment."

In violation of this article:

The police have used plastic bullets in firing on workers. These bullets are just as deadly as normal ones, but cannot be detected by an X-ray. Several people have died in the course of operations during which the surgeon attempted to locate the bullet;

In several instances, certain kinds of paralyzing and poisonous gases inducing coma and severe vomiting have been used by the riot police [ZOMO];

In several instances, these gases were released from helicopters against peaceful, civilian crowds surrounding factories where workers were striking;

In -20° C temperatures, water cannons were used against striking workers, against their families gathered at the factory gates, and against people congregated in front of monuments and churches;

Arrested people have been held, sometimes drenched with water, in sub-zero temperatures in tents, barracks, stadiums and open fields.

Article 7 states:

> "All are equal before the law and are entitled without any discrimination to equal protection before the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against incitement to such discrimination."

In violation of this article, arrested workers are being summarily tried by military tribunals, which do not grant the right of appeal, and are being sentenced within a matter of hours. In the majority of cases they do not have the right of a civil defense, but are assigned a military defense counsel.

Article 8 states:

> "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the consitution or by law."

In violation of this article, the minimum sentence is three years' imprisonment without the right of appeal.

Article 9 states:

> "No one shall be subjected to arbitrary arrest, detention, or exile."

In violation of this article, according to our estimates, up to 80,000 people have been arrested, interned or detained since December 13. Despite many releases, at least 10,000, and likely many more, are still under arrest or internment in more than 50 camps throughout Poland. Considering the large number of such camps, and considering that each camp would have to hold only two hundred prisoners, such an estimate is conservative. More likely, these camps each hold a great many more than two hundred prisoners. Those who have been "interned" are being held indefinitely without having been charged.

Article 10 states:

> "Everyone is entitled in full equality to a fair and public hear- by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charges against him."

See Articles 7 and 8 supra for violations of this article.

Article 11 states:

> (1) "Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense."

In violation of this article, workers are being tried by military tribunals without due process and denied the time necessary for the preparation of their defense.

> 2) "No one shall be held guilty of any penal offence on account of any act or omission which did not consitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

In violation of this article, some people have been tried on charges of having violated the rules imposed by the state of war decree for actions committed before December 13, when the decree was enacted. If they are tried, as is usually the case with workers, under charges of inciting and organizing strikes, by the military tribunals, the minimum sentence is three years' imprisonment. It has been announced that the death penalty will be imposed on those who break the decree of the state of war.

Article 12 states:

> "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

In violation of this article, correspondence is being censored; searches and arbitrary seizures of property take place without warrants; the families of those who have been arrested are being threatened, harassed, and in some cases also imprisoned; in the course of arrests, the police and security forces ahve broken down doors and forced their way into apartments.

Article 13 states:

> (i) "Everyone has the right of freedom of movement and residence within the borders of each state."

In violation of this article, when the state of war was first declared, people were forbidden to leave their homes for more than 48 hours. They are forbidden to leave their home towns without special passes, which are necessary for travel within the country. Petrol is not being sold to private car owners.

> (ii) "Everyone has the right to leave any country, including his own, and to return to his country."

In violation of this article, all passports issued before December 13, 1981 are no longer valid; the permission which had been given to the holders of those passports to leave the country has now been annulled.

Article 17 (ii) states:

> "No one shall be arbitrarily deprived of his property."

In violation of this article, people have been told that they may have to surrender their property, and in particular the farmers' goods, which may be requisitioned for the good and security of the state. Typewriters, books, cars, and printing equipment have been confiscated.

Article 18 states:

> "Everyone has the right to freedom of thought, conscience, and religion."

Article 19 states:

> "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

In violation of these articles, students and intellectuals have been arrested on a mass scale for the peaceful expression of their opinions and for the holding of seminars, lectures, conferences, and discussions on academic subjects in the humanities normally banned in state universities; the NZS [Independent Student Union] has been liquidated, and its activists imprisoned; people are being forced to sign "declarations of loyalty" to the communist government under the threat of imprisonment and of being fired from their jobs; it has been announced that people attempting to communicate with foreign journalists may be tried for espionage; all correspondence is being censored; the sale of paper, including school notebooks, has been forbidden; the printing and distribution of leaflets, the painting of slogans and grafitti, and the wearing or displaying of emblems and buttons of any nature, including on university grounds, have been prohibited; inter-city and international telephone communication lines have been cut off; the use or possession of any printing or mimeographing equipment is prohibited; all newspapers, journals, and magazines have been suspended, with the exception of two party newspapers, "Zolniez Wolnosci" [Soldier of Freedom] and "Trybunu Ludu" [The Voice of the People].

Article 20 (i) states:

> "Everyone has the right to freedom of peaceful assembly and association."

In violation of this article, all meetings, demonstrations, marches, artistic exhibitions, organized sport and leisure events have been banned. *Church congregations are officially allowed*; but church congregations and peaceful gatherings in front of monuments have been assaulted with truncheons, water cannons and tear gas. The peaceful gathering of thousands of people in front of the Gdansk monument was dispersed by the police and security forces in such a mannner.

Article 21 (iii) states:

> "The will of the people shall be the basis of the authority of the government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

In violation of this article, the Military Council of National Salvation was not called up by free elections. (Nor, for that matter, was the Polish Parliament.) Free elections are also guaranteed to Poland by the Yalta agreements.

Article 23 states:

> (i) "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment."

In violation of this article, thousands of people have been summarily fired; factories are surrounded by barbed wire, and workers are followed by armed military into, out of, and within factories; people who are not working are being forced to work at assigned posts.

> (ii) "Everyone has the right to form and to join trade unions for the protection of his interests."

In violation of this article, Solidarity members are being forced, under the threat of imprisonment and loss of jobs, to sign declarations stating that they will withdraw from the "Solidarity" union; at the same time the union has been officially suspended, making it difficult to see how one could join or withdraw from an officially non-existent body.

B. The International Covenant on Economic, Social and Cultural Rights

Article 8 (d) states:

> "The States Parties to the present Covenant undertake to ensure the right to strike, provided that it is exercised in conformity with the laws of the particular country."

In violation of this article, passive and peaceful strikes have been broken by the police with the aid of truncheons, water cannons, tear gas, various toxic and paralyzing gases, machine guns, and tanks. Workers have been beaten, shot, prevented from receiving proper medical aid for their wounds, arrested *en masse* and tried by military tribunals without the right of appeal, fired from work, and forced to sign loyalty oaths to the communist government, declaring that they will withdraw their membership from the "Solidarity" trade union. It was announced that the death penalty will be imposed on all those who strike during the *state of war*. Many of those who participated passively in strikes are being tried for having "organized and incited" them, and face penalties of a minimum of three years' imprisonment, up to eight years' imprisonment, with four years' suspension of civil rights. There is nothing in the Polish consitution stating that strikes are illegal.

C. The International Covenant on Civil And Political Rights

Article 4 states:

> (1) "In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law . . . "

In violation of this article, the actions taken by the military government in Poland on the authority of the *state of war* decree are clearly not justified, and go far beyond the extent required by the "exigencies of the situation." No public emergency threatening the nation was proven. Furthermore, the actions taken on the authority of the decree are clearly in violation of international law, since they include derogations form articles mentioned in Paragraph (2) of this article, as specified below:

> (2) "No derogations from Articles 6, 7, 8(Paragraphs 1 and 2), 11, 15, 16, and 18 may be made under this provision."
>
> (3) "Any State Party to the present Covenant availing itself of the right of derogaiton shall inform immediately the other

> States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation."

In violation of this article, Poland did not inform the States Parties of its derogations.

Article 6 states:

> (i) "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

For violations of this article, see the violations of the provisions contained in Article 3 of the Universal Declaration of Human Rights.

> (ii) "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant. This penalty can only be carried out pursuant to a final judgement rendered by a competent court."

In violation of this article, it was announced that the death sentence would be imposed for violation of the rules of the state of war. It is our conservative estimate that at least a hundred, and probably more, strikers and protesters have been indiscriminately shot to death by the police and security forces. The official statistics released by the Polish radio have put the number of dead at fourteen. This, even if it represents only a fraction, still constitutes a derogation from Article 6.

Article 7 states:

> "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

For violations of this article see Article 5, loc. cit.

Article 8 (iii) states:

> "No one shall be required to perform forced or compulsory labour."

For violations of this article, see Article 3, loc. cit.

Article 9 states:

> (i) "Everyone has the right to liberty and security of person."

For violations of the above article, see Article 3, loc. cit.

> (ii) "Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."

In violation of this article, people have been arrested and interned en masse with no charges brought against them, either at the time of their arrest or formally during their internment. In many cases, the police, after breaking strikes, simply drove workers away to an unknown destination.

> (iii) "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of judicial proceedings, and, should occasion arise, for execution of the judgement."

In violation of this article, those who have been arrested and charged and are awaiting trial have had no definite time limit set for the trial. Some have not been formally charged at all. All are being detained in custody, even those who have been "interned," against whom proceedings are not expected to be initiated. No time limit has been set for the duration of internment.

> (iv) "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that such court may decide without delay on the lawfullness of his detention and order his release if the detention is not lawful."

In violation of this article, those who are being tried by military tribunals do not have the right of appeal or a civil defense; the make-up of the court (there are no juries in Poland) is a part of the same military body which ordered the arrests.

Article 14 states:

> (3) "In the determination of any criminal charge against him, everyone shall be entitled to the folowing minimum guarantees, in full equality:
> a)to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
> b)to have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;
> c) to be tried without undue delay;
> d) to be tried in his presence, and to defend himself in person

> or through legal assistance of his own choosing . . .;
> (5) Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

For violations of the provisions contained in this article, see derogations from Articles 7, 8, and 11, as specified above, of the Universal Declaration of Human Rights.

Article 15 states:

For the relevant parts of the text of this article and the violations of the provisions contained therein, see Article 11 (ii) of the Universal Declaration of Human Rights.

Article 17, 18, and 19 states:

For the relevant parts of the texts of these article and the violations of the provisions contained therein, see Articles 12, 13, 18, and 19 of the Universal Declaration of Human Rights.

Article 21 states:

For the relevant parts of the text of this article and the violations of the provisions contained therein, see Article 20 (i) of the Universal Declaration of Human Rights.

D. The Helsinki Final Act

Following are only those relevant articles of the Helsinki Final Act which have not been covered by any of the above articles.

II. 1. Prior Notification of Major Military Maneuvres:

> "[The participating States] will notify their major military maneuvres to all other participating States through usual diplomatic channels in accordance with the following provisions: Notification will be given of major military maneuvres exceeding a total of 25,000 troops . . . Notification will be given 21 days or more in advance of the start of the maneuvres or in the case of a maneuvre arranged at shorter notice, at the earliest possible opportunity prior to its starting date.
> Notification will contain information of the designation, if any, the general purpose of and the States involved in the maneuvre, the type or types and numerical strength of the forces engaged, the area and estimated time-frame of its conduct. . . ."

Poland's army is the second largest of the Warsaw Pact Forces; of the forces used in surrounding factories with tanks, releasing toxic gases from helicopters and requisitioning goods from farmers, we estimate that well over 25,000 troops were used. No notification was given at any time.

Exchange of Observers:

> "The participating States will invite other participating States, voluntarily and on a bilateral basis, in a spirit of reciprocity and goodwill towards all participating States, to send observers to attend military maneuvres."

In violation of this article, no such invitation was extended.

2.III.vi. (b) Co-operation in the Field of Information:

> "The participating States will favor increased co-operation among mass-media organizations, including press agencies, as well as among publishing houses and organizations."

In violation of this article, means of communication have been cut off throughout the country, including inter-city telephone lines; the publication of all newspapers, magazines and periodicals, with the exception of two party newspapers, has been suspended; 3,000 journalists have been fired.

(c) Improvement of Working Conditions for Journalists:

> "The participating States . . . intend in particular to" ease, on a basis of reciprocity, procedures for arranging travel by journalistsof the participating States in the country where they are exercising their profession, and to provide progressively greater opportunities for such travel, subject to the observance of regulations relating to the existence of areas closed for security reasons; . . . enable journalists of the other participating States, whether permanently or temporarily accredited to transmit completely, normally and rapidly by means recognized by the pariticipating States to the information organs which they represent, the results of their professional activity, including tape recordings and undeveloped film, for the purpose of publication or of broadcasting on the radio or television."

In violation of this article, foreign journalists working in Poland and transmitting the results of their professional activity to the West are being censored; although the official censorship on press agencies' communiques form Poland has now been lifted, all transmissions must still pass through official government offices. The taking of all photographs and filming is forbidden. Polish citizens communicating with Western journalists have been told that they may be tried on charges of espionage. Foreign journalists are subject to the same restrictions as have been imposed on all those now resident in Poland concerning travel within the country. (see Article 13 (i) of the Universal Declaration of Human Rights.)

It is obvious that Poland, as well as the Soviet Union and other nations complicit in the crackdown, have egregiously violated the Helsinki Final Act and other international agreements. Such violations, I think, require prompt and effective action by the United States and other countries party to the Final Act.

I have included as an addendum a statement of the Committee in Support of Soldiarity on the effective steps it thinks should be taken by the United States as a response to the events in Poland.

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STATEMENT ON THE RESPONSE OF THE WEST TO THE CONFLICT IN POLAND

The Committee in Support of Solidarity believes it is of the utmost importance that the United States along with its allies respond resolutely and consistently to the state of war in Poland. This response must include full economic and political sanctions.

The state of war has violated all basic human rights of the Polish people. Massive evidence indicates that the impostion of the state of war is far from a "Polish internal affair;" but rather it is a result of extensive Soviet involvement. Moreover, the state of war in Poland threatens peace in Europe, which the Helsinki Accords were intended to safeguard.

On December 13, 1981, General Jaruzelski imposed a state of war against the Polish people and the Independent and Self-Governing Trade Union "Solidarity."

From the beginnin, the Jaruzelski junta intended to elimimate the free trade union Solidarity and other associations independent from the Communist party. From the beginning, the Jaruzelski junta intended to prevent Polish society form exercising its basic rights, guaranteed by all international agreements to which Poland is a signatory, and by the agreements signed at Gdansk, Szczecin, and Jastrzebie in August and September of 1980.

There can be no doubt of the miltary and political complicity of the Soviet Union in the state of war in Poland. Since August, 1980, the Polish Communist Party and the Soviet Union found it impossible to tolerate the existence of "Solidarity" or any other indpendent union or association. Unceasingly, the Soviet Union and its proxies viciously attacked the free trade union. Finally, the Soviet Union supported the attempt to extirminate Solidarity.

In this attempt, the U.S.S.R. used its proxy troops of the Warsaw Pact and its proxy General, whom it trained for the purpose; and employed all the means at its disposal, short of "direct" invasion to accomplish its desire. These means included, among others, the presence in Poland of Marshal Kulikov, Commander-in-Chief of the Warsaw Pact, at his Warsaw headquarters; the Soviet divisions stationed in Poland permanently, one of which was restationed directly outside Warsaw; imported KGB agents; and Soviet-made arsenals and technology (e.g. high-level computers to determine those to be arrested).

According to reports from Poland, Poles view the military rulers as traitors and foreign agents. There have been numerous cases of insubordination by soldiers and officers.

The current situation creates clear dangers to world peace. The Polish army is an integral part of the Warsaw Pact forces. There are reports that the Czech army is in a stateof readiness and that military reserves are being called up in Hungary, in violation of the Helskinki agreement. The current large-scale maneuvers of the Warsaw Pact were not previously announced. The Soviet command of the Warsaw Pact forces, it should be pointed out, probably view such maneuvers as a test of their ability to control local populations in the case of larger international conflict.

Poland, the Soviet Union, and the other countries in the Warsaw Pact complicit in the crackdown have egregiously violated the terms and the spirit of the Final Act of the Helsinki Conference, signed in 1975, as well as other international agreements to which these countries are signatories. The state of war and the results following its impostion pose a grave challenge to the United States, its allies in Western Europe, and all nations that value democracy and human rights.

The West cannot remain silent.

Up to now, the response of the United States has been limited; the response of other nations in the NATO alliance even less reslolute. From December 13, there was confusion about the nature of the military coup. While the State Department expressed concern, it could only issue warnings that the Soviet Union not invade directly --- as if the Soviet Union had not already intervened by more indirect means.

Indeed, there seems to have been no realization beforehand that an "internal" crackdown might occur. Since such an event had not been foreseen, the immediate response was confused and fragmented, in part preventing any concerted action on the part of Western Europe. The Reagan Administration has now reserved any meaningful action for some point in the future, allowing the Jaruzelski junta and its Soviet backers time to continue their brutal course of action, rather than trying to pressure the regime to end the state of war, release all prisoners, and resume good faith negotiations with Solidarity.

Such a partial response can only abet the attempts of the Jaruzelski junta, and embolden the Soviet Union in its belief that "business as usual" will continue despite any actions it takes.

This is clear to the Polish people, who nonetheless resist the brutalities of the authorities. Zbigniew Janas, Chairman of the Solidarity at the large Ursus Tractor Factory in Warsaw, and one of the leaders of Warsaw Solidarity, escaped captivity and dares the death penalty imposed against any resistance. He wrote in an underground "Solidarity" information bulletin:

> The weak response of the West to events in Poland indicates that Poles can count only on themselves. We must organize to defend basic human rights, civil liberties, and freedom for the unions. We do not foresee any substantial change in the attitude of the Western countries, which will not engage in any determined political or economic actions.

The Committee in Support of Solidarity urges the United States, in concert with the Western European allies, to take the following actions as an effective and proper repsponse to the state of war in Poland:

1) The imposition of sanctions on any pending trade agreements for grain or technology, as a first step towards across-the-board sanctions against the Warsaw Pact nations: if the United States is unwilling to give up its most lucrative trade with the U.S.S.R., not only will American farmers grow more dependent on the Soviet market, but also Western European nations will be even more unwilling to impose any meaningful sanctions of their own.

2) The immediate recall of debts incurred by the Polish government: There should be no further financing of the repression of the Polish people; such responsibility should fall squarely on the Soviet Union.

3)The United States should bring the matter of Poland as a separate item on the agenda before the review talks on the Helsinki Final Act, to be resumed in Madrid February 9. If it is clear that the state of war will not be rescinded, the prisoners released, and the Gdansk Accords honored, the United States should withdraw form the review talks and declare the Final Act of the Helsinki Conference null and void.

4) The U.S. should immediately bring up the matter of Poland before the United Nations Security Council and before the United Nations Commission on Human Rights, which will convene in Geneva in February. The U.S. should press for an international delegation from the United Nations Commission on Human Rights to be admitted into Poland, in order to observe the situation

there and to report on the status of prisoners in concentration camps. Such a delegation should have full access to all concentraiton camps and should have free movement within the country.

5) Increasing the broadcasting strength of both Radio Free Europe and Voice of America, now being jammed.

6) The United States hould protest the military restrictions imposed on the U.S. Embassy in Warsaw, now virtually held hostage: The Ambassador to Poland should be recalled and the staff reduced if the restrictions are not lifted;

7) Disclosure by the United States of all information gathered since December 13 by satellite and other means, concerning the scope of brutality in Poland. Such information should be made available for broadcast by Radio Free Europe.

8) The immediate impostion of sanctions on cultural exchanges with Poland.

As long as the state of war is not fully rescinded; as long as the prisoners are not released; and as long as the Gdansk Accords are not honored, the Committee in Support of Solidarity believes that the preceding actions should remain in force.

We do not believe that the United States should wait for a consensus in the West to act. Given the confusion gripping Europe, the United States must act now to support the Solidarity movement and the Polish people in their struggle for the most basic human rights.

News From
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FOR IMMEDIATE RELEASE

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Prologue
to Gdansk

A report on
Human Rights
by the Polish
Helsinki Watch
Committee

HELSINKI WATCH ISSUES POLISH HUMAN RIGHTS REPORT; SPONSORS U.S. TRIP FOR FOUNDER OF INDEPENDENT POLISH PUBLISHING HOUSE NOWA

New York, December 14, 1981---The U.S. Helsinki Watch Committee today announced the publication of Prologue to Gdansk: A Report on Human Rights by the Polish Helsinki Watch Committee. The 160-page study, translated and slightly abridged from the 182-page Polish original, documents the human rights violations in Poland which led to the August 1980 strikes in Gdansk and the eventual formation of the independent trade union Solidarity. The report was issued just as Poland's new military leaders imposed martial law, drastically restricting civil and union rights.

The editors of the report are Polish Helsinki Watch Committee members Ludwik Cohn, Edward Lipinski, Zbigniew Romaszewski, Aniela Steinsbergowa and other KOR members, all of whom are now actively involved in Solidarity. Many work full-time for Warsaw Solidarity's Intervention Bureau, which deals with civil rights and employment issues. No news of the status of the Polish Helsinki Watch Group has been received since the establishing of martial law on December 13.

Prologue to Gdansk, compiled from citizens' complaints submitted to the Social Self-Defense Committee KOR, is the outcome of discussions held in 1979 between Jeri Laber, Executive Director of the U.S. Helsinki Watch Committee and KOR members. Ms. Laber, who was in Warsaw at the time, described the U.S. Committee's reports on U.S. compliance with the Helsinki Accords, and suggested that a KOR Helsinki Committee might prepare a similar report for the 1980-81 Madrid Review Conference. The Polish Helsinki Watch Group announced its formation in January 1980, and a brief English version of their report was available at the opening of the Madrid Conference in November 1980. Prologue to Gdansk, the first English-language translation of the full report, is available from the U.S. Helsinki Watch Committee for $6.00 per copy.

* * *

The publication of Prologue to Gdansk is timed to coincide with the visit to the U.S. of Miroslaw Chojecki, founder of NOWA, an independent Polish publishing house now closely associated with Solidarity. Mr. Chojecki is a media adviser for Solidarity, and also manages the union's book publications. NOWA press, working clandestinely and with severe shortages of ink, paper and other supplies, has produced over 100 titles. In addition to books by Polish authors such as Tadeusz Konwicki, Nobel Prize laureat Czeslaw Milosz and poet Stanislaw Baranczak, NOWA has published Polish translations of the works of George Orwell, Alexander Solzhenitsyn, Joseph Brodsky, Zbigniew Brzezinski, Gunter Grass, Berthold Brecht, and Osip Mandelstam. NOWA's quarterly "Puls" has published the American poet Allen Ginzburg. Mr. Chojecki has come to New York under the auspices of the U.S. Helsinki Watch Committee and is meeting with American publishers to discuss his future projects.

Mr. Chojecki, now on leave of absence from his job as a nuclear researcher, founded NOWA in May 1977, and has since produced over 100,000 copies of books and pamphlets. He was arrested in March 1980, tried, and given a suspended sentence of one and a half years. His sentence is still under appeal, but he has been allowed to travel outside of Poland. He plans to return to Poland in January 1982. For more information about Mr. Chojecki's tour, call Cathy Fitzpatrick at Helsinki Watch, 212-867-7035.

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The U.S. Helsinki Watch Committee, a non-governmental organization founded in 1979 by a representative group of private citizens, monitors domestic and international compliance with the human rights provisions of the Helsinki Final Act.

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POLAND'S LEADING UNDERGROUND PUBLISHER
VISITS U.S.

New York, December 15, 1981---The U.S. Helsinki Watch Committee is holding a press conference today for Miroslaw Chojecki, founder of NOWA, the leading independent Polish publishing house. Mr. Chojecki has come to the U.S. under the auspices of the Helsinki Watch and is meeting with American publishers to discuss his future projects. Ms. Jeri Laber, Executive Director of Helsinki Watch, who visited Poland in November 1981 and met with Solidarity leaders there, will introduce Mr. Chojecki. With the imposition of martial law in Poland on December 13, NOWA's members have been arrested; Mr. Chojecki himself would have been arrested had he been in Poland.

As media adviser for Solidarity, Mr. Chojecki has taken part in discussions on granting Solidarity access to radio and television. He has also been managing the union's book publications, and represented Solidarity at the Frankfurt Book Fair.

Mr. Chojecki, 32, formerly worked as a nuclear researcher and founded NOWA in May 1977. Since then the independent press has printed over 100,000 copies of books and pamphlets, working clandestinely and coping with severe shortages of paper, ink and other supplies. Among the titles NOWA has produced are the works of such Polish authors as Nobel Prize laureate Czeslaw Milosz, poet Stanislaw Baranczak and novelist Tadeusz Konwicki, and Polish translations of the works of George Orwell, Alexander Solzhenitsyn, Joseph Brodsky, Zbigniew Brzezinski, Gunter Grass, Berthold Brecht, and Osip Mandelstam. NOWA's quarterly "Puls" has published the American poet Allen Ginzburg.

Miroslaw Chojecki was arrested in March 1980 for his printing activities and given a suspended sentence of one and a half years. His sentence is still under appeal, but he has been allowed to travel outside Poland. He plans to return to Poland in January 1982.

* * *

The U.S. Helsinki Watch Committee, a non-governmental organization founded in 1979 by a representative group of private citizens, monitors domestic and international compliance with the human rights provisions of the Helsinki Final Act. Robert L. Bernstein is the Committee's Chairman; Orville H. Schell is Vice Chairman; Jeri Laber is Executive Director. Helsinki Watch has just issued Prologue to Gdansk: A Report on Human Rights by the Polish Helsinki Watch Committee.

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Zbigniew Romaszewski

HELSINKI LEADERS ARRESTED; U.S. COUNTERPART GROUP ISSUES REPORT

New York, December 21, 1981---The U.S. Helsinki Watch Committee has received unconfirmed reports today that two more members of its counterpart group in Poland, Edward Lipinski and Ludwik Cohn were arrested, and it is feared that the two elderly men may even have died. Last week, the name of Zbigniew Romaszewski, the leader of the Polish Helsinki Watch Committee, was included in a list broadcast by Warsaw Radio of 57 unionists and dissidents allegedly interned in Poland. Romaszewski, Cohn, and Lipinski, along with Aniela Steinsbergowa, coordinated a report last year on human rights violations in Poland, which the U.S. Helsinki Watch has just published in English: Prologue to Gdansk: A Report on Human Rights by the Polish Helsinki Watch Committee.

Jan Walc and Jan Litynski, among the contributors to Prologue to Gdansk, have also been arrested, according to Warsaw Radio and unofficial reports. It is very likely that other former Social Self-Defense Committee (KOR) activists and lawyers who collaborated on Prologue to Gdansk have been rounded up by the authorities as well.

In announcing the new publication, Jeri Laber, Executive Director of the U.S. Helsinki Watch Committee, said: "Prologue to Gdansk documents the abuses of human rights which led to the August 1980 strikes in Gdansk and the eventual formation of the independent trade union Solidarity. We had hoped these abuses had become part of Poland's unhappy past. Instead, this publication appears at a time when human rights in Poland are again being drastically curtailed as a result of moves against Solidarity by Poland's new military junta."

In a preface to Prologue to Gdansk, Jeri Laber, who was in Poland in November 1981, writes that Mr. Romaszewski pointed out to her then that the situation in Poland was very unstable. Ms. Laber reports on their discussion: "Human rights violations continue. Neither the laws nor the attidues of the authorities have changed. If there is somewhat more respect for human rights today, it is only because the government is weak, afraid to provoke new confrontations. Unless the laws themselves are revised--as well as the ways in which they are implemented--the conditions which are described in this report might return at any time the government feels strong enough to reinforce repression."

In an introduction to Prologue to Gdansk, Prof. Leszek Kolakowski, former KOR member now teaching at the University of Chicago's Committee on Social Thought, writes: "Lawlessness, far from being a sickness of communism, is its health. A mechanism of power which wants to be all-embracing, all-regulating, all-controlling, is by definition unable to tolerate law as a system of restrictions which might bind it. In the totalitarian countries the law, especially concerning political matters and political offenses, is deliberately constructed in such a way as to leave the ruling apparatus a free hand in applying whatever forms of repression on whatever scale it might wish in given circumstances."

The conditions described in Prologue to Gdansk have indeed returned to Poland with the imposition of martial law on December 13. Reports coming out of Poland now speak of midnight arrests, beatings, and deaths at the hands of the police and security forces.

Speaking at the closing session of the Madrid Review Conference on cooperation and security in Europe, Max Kampelman, head of the American delegation, said: "Poland has been a living demonstration for the world of the vitality of the process launched at Helsinki which is embodied at this meeting. Our regret at recent developments is, therefore, a profound one. Arbitrary detentions; interference with the free flow of information, ideas and people; the wholesale repression of civil liberties; the imposition of military control at the workplace; the use of violence against Polish workers, and the attempt to stifle and possibly destroy Solidarity, the legitimate expression of the yearning of Polish working men and women for dignity--all these represent gross violations of the Final Act /i.e. of the Helsinki Accords/."

Prologue to Gdansk is the outcome of discussions held in 1979 between Jeri Laber and KOR members. Ms. Laber, who was in Warsaw at the time, described the U.S. Helsinki Watch's reports on U.S. compliance with the Helsinki Accords, and suggested that a KOR Helsinki Committee might prepare a similar report for the 1980-81 Madrid Review Conference. The Polish Helsinki Watch Committee announced its formation in January 1980, and a brief English version of their report was available at the opening of the Madrid Conference in November 1980. Prologue to Gdansk, the first English-language translation of the full report, is available from the U.S. Helsinki Watch Committee for $6.00 per copy.

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For IMMEDIATE RELEASE

Contact: Jeri Laber
Aryeh Neier

CALL FOR MADRID CONFERENCE
TO RESOLVE POLISH CRISIS

New York, January 8, 1982 -- The U.S. Helsinki Watch Committee has called on the 35 governments that signed the Helsinki Final Act to use the Helsinki process to seek resolution of the Polish crisis. The call follows:

"The United States Helsinki Watch Committee calls on the 35 governments that signed the Helsinki Final Act in 1975 to resume the Madrid Review Conference as soon as possible, and in no event later than the scheduled reopening of February 9, and to focus discussion at the Conference on the imposition of martial law in Poland. We endorse the proposal of the ten nations of the European Common Market and the proposal in the joint statement by President Reagan and Chancellor Schmidt that the discussions should resume at the ministerial level. Moreover we regard it as essential that the discussions at Madrid should continue and should remain focussed on Poland so long as the present massive violations of the Helsinki Final Act continue in Poland.

"All the major participants in the international dispute over Poland -- the governments of Poland, the Soviet Union, the United States and the ten nations of the Common Market -- have invoked the Helsinki Final Act in efforts to justify their respective positions. Its use as a standard to which all parties refer buttresses our view that the

Madrid Review Conference is the place to thrash out different interpretations.

"In issuing this call, we make clear our own view that the Soviet Union and Poland misrepresent the Helsinki Final Act in contending that international concern with the suppression of freedom by martial law constitutes intervention in the internal affairs of Poland. Principle 7 of the Helsinki Final Act makes fundamental freedoms a matter of international concern and commits all 35 nations to protect those freedoms when any government suppresses them. The fundamental freedoms specified in Principle 7 include freedom of thought and conscience, and the rights guaranteed in the Universal Declaration of Human Rights such as freedom of expression, peaceful assembly and association and the right of the individual to take part in the government of his country, directly or through freely chosen representatives. Accordingly, we believe that the imposition of martial law in Poland is a flagrant violation of the Helsinki Final Act and that the Act commits all the signatory governments to seek the restoration of fundamental freedoms in Poland.

"The Helsinki Final Act also commits the 35 signatory nations to promote economic cooperation. A notable aspect of the Act is that it recognizes the connection between human rights, economic cooperation and international security. We think that it would be appropriate, therefore, for the Madrid Review Conference to turn to proposals for solving Poland's economic crisis once martial law has been ended, political prisoners are released, and the other fundamental freedoms internationally guaranteed by Principle 7 are restored. We note that the Common Market nations have expressed their willingness to consider credit and economic assistance to

Poland, and further food aid, when martial law is ended. Similarly, there have been proposals in the United States for economic assistance -- even a proposed "Marshall Plan" for Poland -- linked to the restoration of fundamental freedoms.

"The imposition of martial law in Poland is the most significant test of the vitality of what is known as the "Helsinki process" since the signing of the Helsinki Final Act in 1975. Failure to confront developments in Poland at the Madrid Review Conference would, we believe, radically diminish the significance of that process. It would also mean the abandonment of what appears to be the best hope for an international resolution of the Polish crisis."

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The U.S. Helsinki Watch Committee is a nongovernmental organization founded in 1979 by a representative group of private citizens. It seeks to monitor domestic and international compliance with the human rights provisions of the Helsinki Final Act. Its chairman is Robert L. Bernstein; its Vice-Chairmen are Orville H. Schell and Aryeh Neier; its Executive Director is Jeri Laber.

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